

**EXHIBIT 1(b)**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

MURASHEA "MIKE" BOVELL,

Plaintiff,  
-against- Civil Action No:  
7:15-CV-08594-CS

CITY OF MOUNT VERNON, NEW YORK,  
COMMISSIONER TERRANCE RAYNOR,  
INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY, DEPUTY COMMISSIONER  
RICHARD BURKE, INDIVIDUALLY AND  
IN HIS OFFICIAL CAPACITY,  
CAPTAIN MICHAEL GOLDMAN, INDIVIDUALLY  
AND IN HIS OFFICIAL CAPACITY,  
SERGEANT ROBERT WUTTKE, AND  
LIEUTENANT PAUL Nawrocki, INDIVIDUALLY  
AND IN HIS OFFICIAL CAPACITY,

Defendants.

- - - - - X

HELD AT: Office of Corporation Counsel  
2 Roosevelt Square  
Mount Vernon, New York 10550  
November 1, 2016  
12:00 p.m.

Examination before Trial of the  
Plaintiff, MURASHEA BOVELL, pursuant to  
Court Order, held at the above time and  
place before a Notary Public of the State of  
New York.

J & L REPORTING SERVICE  
of Westchester, Inc.  
50 Main Street, Suite 1000  
White Plains, New York 10606  
(914) 682-1888  
Lisa Dobbo, Reporter

A P P E A R A N C E S :

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A L S O P R E S E N T :

Alec Francis

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that the sealing and filing of the within deposition be waived; that such deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED, that all objections, except as to form, are reserved to the time of trial.

1 M. BOVELL

4

2 MURASHEA BOVELL, stating his  
3 business address as 1 Roosevelt  
4 Square, Mount Vernon, New York  
5 10550, having been duly sworn  
6 by Notary Public, Lisa Dobbo,  
7 testified as follows:

8 MR. SWEENEY: Let's mark these.

9 (Whereupon, Defendant's Exhibit  
10 DD, Letter 10-27-14, was marked for  
11 Identification.)

12 (Whereupon, Defendant's Exhibit  
13 EE, Letter 1-29-15, was marked for  
14 Identification.)

15 (Whereupon, Defendant's Exhibit  
16 FF, Letter 2-26-15, was marked for  
17 Identification.)

18 (Whereupon, Defendant's Exhibit  
19 GG, Letter 3-6-15, was marked for  
20 Identification.)

21 (Whereupon, Defendant's Exhibit  
22 HH, Letter 3-13-15, was marked for  
23 Identification.)

24 (Whereupon, Defendant's Exhibit  
25 II, Letter 4-13-15, was marked for

1

M. BOVELL

5

2

Identification.)

3

Q. Officer Bovell, this is the

4

resumption of your deposition from last

5

week. As you may recall, I'm Paul Sweeney

6

with the law firm Coughlin & Gerhart and I

7

represent the city and the other defendants

8

in the lawsuit that you have brought.

9

I think -- I will assume the same

10

ground rules apply: If I ask a question and

11

you answer it the way I asked it that you

12

understood question; is that a fair

13

assumption?

14

THE WITNESS: I would like the

15

opportunity to state that I don't

16

understand the question.

17

MR. SWEENEY: You can certainly

18

state you don't understand the

19

question and I'll rephrase it if

20

necessary.

21

Q. If you answer the question

22

after I rephrase or otherwise, I'll assume

23

that you understood the question; is that a

24

fair assumption?

25

A. All right.

1

M. BOVELL

6

2

Q. Are you on any medications that

3

will prevent you from testifying here today?

4

A. No, I just took some

5

painkillers, that's it; over-the-counter.

6

Q. Over-the-counter?

7

A. Yeah.

8

Q. If you need to take a break at

9

any time other than when a question is

10

pending before you, feel free to take that

11

break; okay?

12

A. Okay.

13

Q. I think when we broke last,

14

Officer Bovell, we were getting into the

15

area of your line of duty injury.

16

As I understand it, you sustained a

17

line of duty injury on September 9th, 2014

18

when you injured your right knee; is that

19

correct?

20

A. Approximately that time.

21

Q. In your Complaint at Paragraph

22

113 it says "After that time or since that

23

time you've been subjected to further

24

harassment, retaliation and discrimination,"

25

is that correct?

1

M. BOVELL

7

2

A. Yes, further harassment and

3

abuse from the department.

4

Q. That harassment, retaliation

5

and discrimination you believe is based on

6

account of your race?

7

A. Not just my race. It's based

8

upon also me speaking out of identifying

9

what's happening in the police department so

10

the way it works is in Mount Vernon Police

11

Department you're supposed to keep your

12

mouth shut. If you see something bad or you

13

don't like, you're supposed to keep your

14

mouth shut. If you want to advance in your

15

career, you keep your mouth shut and keep it

16

moving or if you want to transfer which

17

approximately 50% of the department does,

18

you keep your mouth shut or, you know, keep

19

it moving. There's been instances where

20

people speak up, people speak up and other

21

people have spoken up and are subject to

22

abuse, as well.

23

Q. What other people were those

24

that were subjected to this --

25

A. Sergeant Fegan, there's other

1

M. BOVELL

8

2

officers aside from me where another white  
3 officer where the jobs call up for  
4 references and spoken to Sergeant Fegan and  
5 he told them not to hire him, he's a piece  
6 of shit cop, you know, stuff like that  
7 happens.

8

Q. What officers have received  
9 that type of evaluation from or performance  
10 opinion from Sergeant Fegan?

11

THE WITNESS: Retaliation or

12

evaluation?

13

Q. Well, I think you just  
14 mentioned a scenario where officers are  
15 trying to, I assume transfer to a job  
16 outside the Mount Vernon Police Department.

17

A. Oh, yeah, they call up for  
18 reference and Sergeant Fegan says don't hire  
19 them, they're a piece of shit, literally.

20

Q. What officers are you referring  
21 to that received that type of reference from  
22 Sergeant Fegan?

23

THE WITNESS: The names of the

24 officers?

25

MR. SWEENEY: Yes.

1

M. BOVELL

9

2

A. I don't remember the names  
right now but I'll be able to recall some.

4

Q. Is it more than one officer?

5

A. Officers that are subject to  
retaliation; yeah, there are officers that  
have been taken off -- black officers have  
been taken off the Con Ed list like Michael  
Hutchings. Michael Hutchings is a black  
officer who's been subject to their  
treatment in the department. He's a very  
active police officer. He's, you know, he  
was kicked out of the task force unit, you  
know, and since then he's been retaliated  
against.

16

Q. I'm referring actually to the  
officers or officer that received that  
adverse reference from Sergeant Fegan when  
they tried to get a job.

20

Which officer was that?

21

A. I forgot their name.

22

Q. Was it a male or a female?

23

A. It was a male officer.

24

Q. African-American officer?

25

A. I'll not quite sure, but it's a

1

M. BOVELL

10

2

non white officer.

3

Q. What timeframe was this, what  
4 year?

5

A. I don't remember right now.

6

Q. Is there anything that would  
7 refresh your memory as to who this officer  
8 is?

9

A. I know who he is. I just don't

10 remember his name.

11

Q. Can you describe him for me?

12

A. A male, 5'5", a non white. I  
13 don't remember his name.

14

Q. Is he still with the police  
15 department?

16

A. Oh, yeah, he's still with the  
17 Mount Vernon Police Department.

18

Q. Do you know what division he  
19 works in now?

20

A. I'm not sure. I'm not sure.

21

Q. What division did he work in --  
22 did you have --

23

A. We worked in patrol together.  
24 We spoke a lot about things, you know, we  
25 worked patrol together at that time.

1

M. BOVELL

11

2

Q. Sergeant Fegan was his  
supervisor at one time?

4

A. I believe so.

5

Q. In patrol or detective?

6

A. In patrol prior to him going to  
the narcotics unit.

8

Q. With respect to Paragraph 113  
after your injury to your knee your  
Complaint says that you subjected further  
harassment, retaliation and discrimination  
and I asked you was that based on account of  
your race and I think your response was  
partly but also due to the fact that -- and  
you went into this explanation about how you  
had to keep quiet about misconduct in the  
police department?

18

A. If I speak up, which I did, I  
spoke up about issues, identified issues in  
the department. The department in my  
experience has the inability to govern  
itself. They cover stuff up. They have  
history of covering things up so if you  
speak up, in my instance, you get retaliated  
against with the powers that may be that

25

1

M. BOVELL

12

2

being administration who has the power to do  
3  
so.

4

Q. Last week I think during your  
5 deposition you mentioned one conversation  
6 you had with Sergeant Fegan where you  
7 reported to him alleged misconduct by I  
8 think Detective Antonini.

9

Are there any other occasions where  
10 you spoke up about misconduct in the Mount  
11 Vernon Police Department?

12

THE WITNESS: Misconduct?

13

MR. SWEENEY: You said

14

[REDACTED] I don't want to put  
15 words in your mouth.

16

A. Oh, yeah, misconduct,  
17 harassment. In the past before I came in  
18 the narcotics unit there was a sergeant by  
19 the name of [REDACTED] [REDACTED] He was known  
20 to harass black people on the job. He was  
21 known as -- I believe he was German. He was  
22 racist. The department knows he's racist  
23 but somehow he's protected. I complained of  
24 him to our squad. We had a problem with him  
25 because he's known for speaking out in a

1

M. BOVELL

13

2 condescending manner and being unfair. He  
3 once referred to a black person as an  
4 eggplant in my presence. I dead flagged  
5 these issues. I spoke up. There were  
6 instances where I spoke up. I spoke up to  
7 management. I even complained to human  
8 resources of what was happening. At the  
9 time I believe the mayor was Clinton Young.  
10 I met with the mayor and we identified the  
11 issues that he spoke to Chief Dunkin. I  
12 identified how he was a racist. He made  
13 racist comments and she had a meeting with  
14 the squad. He was eventually kicked out of  
15 the unit but other members had a problem  
16 with him, as well, you know, he was a  
17 problem within the department itself but  
18 somehow he was never penalized for it.

19

Q. What timeframe was this?

20

A. This timeframe was shortly  
21 after I came on the job in 2007.

22

Q. 2007?

23

A. Approximately. This is around  
24 2008, 2009 once I started working out of the  
25 academy.

1

M. BOVELL

14

2

Q. Other than talking to Sergeant

3

Fegan about what Detective Antonini had done  
4 which you testified to at the deposition of  
5 last week and this other sergeant from 2008  
6 or 2009 timeframe, any other times when you  
7 spoke up about corruption or misconduct?

8

A. Oh, yeah, Judy Williams before

9

[REDACTED] I spoke with Ms. Judy

10

Williams. She's human resource commission.  
11 I went to her for intervention. She said  
12 she's going to speak with the mayor and  
13 nothing happened. Again, nothing happened.

14

Q. That's 2014 timeframe?

15

A. 2014, right.

16

Q. Other than the time in 2008,  
17 2009 when you spoke about this German  
18 sergeant talking to Judy Williams in 2014  
19 and Sergeant Fegan, that conversation you  
20 had with him, have you spoken up any other  
21 times?

22

THE WITNESS: To whom?

23

MR. SWEENEY: To a supervisor

24

or somebody in charge --

25

THE WITNESS: You mean someone

1

M. BOVELL

15

2

higher than a subordinate or to a  
supervisor?

4

A. I've spoken with other police  
officers. We've spoken together about  
issues, [REDACTED] [REDACTED] department.

7

Q. Other than a police officer.

8

I'm talking about supervisors --

9

A. Supervisors or police officers,  
as well.

11

Q. -- sergeants, lieutenants,  
captains.

13

A. I don't remember. I don't  
remember but we as officers have spoken  
about these issues going on in the  
department for awhile. There was an  
incident where [REDACTED] [REDACTED] as I  
mentioned earlier where he was working and

19

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23

[REDACTED] [REDACTED] [REDACTED] [REDACTED] I witnessed

24

that. I was there for that. Other officers  
took, you know, so it's a matter of, you

25

1

M. BOVELL

16

2

know, use of power and intimidation.

3

Q. When was that incident?

4

A. That was approximately around 2008, 2009. I don't remember exactly.

5

Q. And you observed this?

6

A. I observed the officer speaking about the incident. I spoke with that -- I was present that night when that incident occurred when the retired Police Officer Leary [REDACTED] After [REDACTED] he told me what happened and other officers spoke about the incident in my presence.

15

That's how [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17

[REDACTED] [REDACTED] I witnessed [REDACTED]

18

[REDACTED] supervisor that advised [REDACTED] [REDACTED]

19

[REDACTED] [REDACTED] [REDACTED] [REDACTED] in which they did. Apparently they didn't agree to their liking.

20

Q. Did you make a complaint of this to any superior?

21

A. Yes, I spoke to -- I went to the mayor, Clinton Young.

1

M. BOVELL

17

2

Q. That's the one where you went  
to the mayor's office?

4

A. Subsequently because I guess  
all this occurred in the same timeframe when  
he was harassing officers, harassing me in  
particular and making racist comments. I  
went to the mayor, Clinton Young, and I told  
him about it.

10

11

12

Q. There came a time when you were  
advised that you had been awarded 207  
benefits; is that correct?

13

A. At some point, yes.

14

15

Q. I'm going to show you and your  
attorney what's marked as Exhibit DD.

16

(Handed)

17

18

Q. I ask if you recall seeing that  
document.

19

20

21

22

A. It looks familiar. I can't  
really say but it looks familiar. It has  
the wording 207-c status on there. It has  
my name.

23

24

Q. You do or don't recall seeing  
that document before today?

25

A. I recall seeing a similar

1

M. BOVELL

18

2

document.

3

Q. Then there came a time where

4

you were asked to provide Disability

5

Management Associates with certain

6

information regarding your 207-c claim; is

7

that correct?

8

THE WITNESS: Disability -- say

9

that again, I'm sorry.

10

Q. Disability Management

11

Associates, do you recall that name?

12

A. Yes.

13

Q. In your Complaint at Paragraphs 115 through 117 you allege that Disability Management Associates was harassing you because they were asking personal questions unrelated to your injury.

18

THE WITNESS: I'm sorry, when I

19

said yes just now I was referring to

20

I'm familiar with Disability

21

Management. Could you repeat the

22

question before this one, please.

23

Q. In Paragraphs 115 through 117

24

of your Complaint you allege that Disability

25

Management --

1

M. BOVELL

19

2

THE WITNESS: No, you said did

3

there came a time where --

4

MS. BELLANTONI: The initial

5

question, maybe you can --

6

MR. SWEENEY: Can you read it

7

back, please.

8

(Whereupon, the reporter read

9

back the requested material.)

10

A. Yes, I'm familiar with

11

Disability Management. There came a time

12

where I was told to sign some forms allowing

13

Disability Management to access my medical

14

records and for them to fill in my doctors

15

visits, speak with my doctor, for them to

16

access medical records for unrelated

17

injuries, unrelated work injuries. I

18

remember that's what I do recall the

19

documentation, customized HIPAA release

20

forms, actually, because I was told in

21

January, sometime in January 2015 for the

22

first time when I was -- when the duty

23

doctor called me and I complied with

24

Lieutenant Nawrocki so that I can come down

25

while I was injured and when I came down he

1 M. BOVELL

20

2 said I need to go see Lieutenant Nawrocki.  
3 Lieutenant Nawrocki gave me a document  
4 indicating I've been now assigned to  
5 Disability Management. I was told by  
6 Lieutenant Nawrocki that I have no choice  
7 that I have to comply with them and he gave  
8 me a document. I said I'm just signing  
9 indicating that I acknowledged that I  
10 received this document. I asked him, "I've  
11 never heard about this company before. Is  
12 this something new?" Well, he said, you  
13 know, for certain individuals that are being  
14 assigned to this company. So, I took the  
15 document which just states that I've been  
16 assigned to Disability Management.  
17 Furthermore, he told me that later that  
18 sometime in a week or two they will be  
19 contacting me, which they did. Jill Stein  
20 from Disability Management contacted me.  
21 She identified herself as the case manager  
22 or nurse case manager. She said that she  
23 represents the company by the name of  
24 Disability Management Associates and the  
25 president is Steve Pearl and when she

1

M. BOVELL

21

2

contacted me, I said, "Listen, I'm not  
familiar with who you are" and I asked her  
for more information and she told me that,  
you know, she wanted to ask me some personal  
questions.

7

8

9

Q. I'm going to show you and your  
attorney what's been marked as Exhibit EE  
and ask if you recognize that.

10

(Handed)

11

12

13

14

15

A. It looks like the document that

Lieutenant Nawrocki handed me the day when

the duty doctor told me to meet with

Lieutenant Nawrocki so that he could give me

the document. This looks like the document.

16

17

18

19

Q. So, Exhibit EE is the

notification to you that Disability

Management Associates would be working on

your 207 claim; is that correct?

20

21

A. This was the document that

Lieutenant Nawrocki handed to me that day.

22

23

24

Q. That day meaning the

conversation you just went over with

Lieutenant Nawrocki?

25

A. Yes.

1

M. BOVELL

22

2

Q. In your Complaint you allege  
that "Disability Management representatives  
are being used by the department to harass  
and intimidate you by asking you personal  
questions unrelated to your injury --

7

8

MS. BELLANTONI: Can you just  
tell me what paragraph, please.

9

MR. SWEENEY: Paragraph 117.

10

11

12

13

14

15

Q. -- calling your doctor to  
obtain information about when you would  
transfer your appointment and following you  
to your doctors and physical therapy  
appointments and trying to sit in on your  
private doctor appointments with you."

16

A. Yeah.

17

18

Q. I think I fairly summarized  
what Paragraph 117 says.

19

20

21

22

23

24

25

Do you think that Disability  
Management Associates was harassing and  
intimidating you on account of your race?

A. No. In the course of my EEOC  
complaint to the Department of Justice or to  
the EEOC I had a mediation session during  
the course of when Sergeant Wuttke called --

1

M. BOVELL

23

2

when I called him and he apologized to me.

3

Mediation didn't work out so in January I

4

took it out of mediation and to pursue an

5

investigation about EEOC. At that time I

6

did not have counsel just yet during my

7

mediation with the department. Apparently

8

the department was upset that I did this.

9

The department was upset that I still had my

10

case in with a third-party entity, the

11

federal government, EEOC, and started their

12

investigation. This is when the harassment

13

with Disability Management, the abuse, the

14

calls, the tedious phone calls from Jill

15

Stein on various visits and I forget her

16

name from Disability Management, but various

17

members of Disability Management team. This

18

is when the abuse and the harassment started

19

to increase from the department.

20

Q. Do you know if you're the only

21

officer assigned to work with Disability

22

Management Associates that was on 207-c?

23

A. [REDACTED] [REDACTED] was assigned with

24

them. She complained about harassment from

25

them, as well.

1

M. BOVELL

24

2

Q. Any other officers that were  
assigned to work with Disability Management  
Associates?

5

A. Not that I know of. I've  
spoken to [REDACTED] [REDACTED]. She had confirmed  
that with me that she had resigned and that  
she had received unfair treatment and abuse  
from them and the department, as well.

10

Q. Did [REDACTED] [REDACTED] file a claim  
of racial discrimination before being  
assigned to work Disability Management

13

Associates?

14

A. I'm not sure. I don't know.

15

Q. Do you know of any white  
officers that have been assigned to work

16

with Disability Management Associates?

17

A. Not that I know of.

19

Q. I'm going to show you what's  
been marked as Exhibit FF with your  
attorney. I ask you to take a look at that.

21

(Handed)

23

THE WITNESS: Yeah, this  
doesn't make any sense because -- --  
okay, all right. I'm sorry, I read

25

1

M. BOVELL

25

2

the date wrong because I saw the date. I thought this was the time of the letter because I didn't start getting communications with regards to Disability Management until 2015 so that's the date of my injury.

3

What now pertaining to this?

4

MR. SWEENEY: I'm just asking

5

if you recognize the exhibit, Exhibit

6

FF.

7

A. I received so many letters from Captain Goldman and Lieutenant Nawrocki pertaining to my 207-c benefits.

8

THE WITNESS: My 207-c benefits

9

are truly hard to keep up so I'm trying to refresh my memory here.

10

A. This seems like a letter after I was forced to have a meeting with Jill Stein of Disability Management. Lieutenant Nawrocki told me that they will be coming to my home but then he further advised me that it's too far for her to drive, this Jill Stein, and I have to come down even though I was the one who was injured, so I was

11

1

M. BOVELL

26

2 ordered in prior. I had spoken with her and  
3 she wanted me to sign documentation and I  
4 said, "Listen, I'm a police officer. I  
5 don't know who you are. You're not a part  
6 of our collective bargaining agreement.

7 There's nothing stipulated who you are as an  
8 entity. I'm only familiar with the duty  
9 doctor, you know, which is in the rules and  
10 regulations." She was asking personal  
11 questions and I said, "Listen, I'm a police  
12 officer. I have to be safe with my personal  
13 information and these documents that you  
14 need me to sign, could you please email them  
15 to me so I could further it to my legal  
16 counsel" and that never happened. I  
17 received a phone call from Lieutenant  
18 Nawrocki that I was ordered to meet with her  
19 regardless and that I should come and that  
20 day I had physical therapy. I was a bit  
21 late. I met with Jill Stein. Lieutenant  
22 Nawrocki was present and was supposed to be  
23 there where they handed me six documents for  
24 me to sign. Jill also asked me questions  
25 about unrelated injuries, unrelated

M. BOVELL

27

2                   injuries. She had records of them which she  
3                   said she received from the Mount Vernon  
4                   Police Department, Captain Goldman a day or  
5                   two prior. So, she continued to ask me  
6                   questions. These conversations that I had  
7                   with Jill Stein were actually recorded and  
8                   was given my counsel on the USB drive that  
9                   you have. I then asked them for copies of  
10                  the documents which they refused to give me  
11                  copies that day. Lieutenant Nawrocki came  
12                  in the room and asked me why I didn't want  
13                  to sign. I said, "I don't want to sign  
14                  them. I'm confused. I don't know what I'm  
15                  signing and I need legal counsel." They  
16                  refused to give me all the copies. They  
17                  only gave me two. I was told to write an  
18                  MV-5 as to why I was late which I was going  
19                  for physical therapy which is why I refused  
20                  to sign the documents because I wanted legal  
21                  counsel, and what else did he want, the MV-5  
22                  and I asked him if I could write the MV-5  
23                  later because I was in pain. He said "No,  
24                  you have to do it now." I was ordered to do  
25                  it while I was in pain. I'm like, "I'm just

1

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28

2

coming from therapy, on the medication and  
3 everything" so I was forced to meet with  
4 this Jill Stein and I wasn't given an  
5 opportunity to speak. I had to speak to  
6 legal counsel.

7

Q. In your response you indicated  
8 that Jill Stein or whatever her name is from  
9 Disability Management Associates was asking  
10 you questions unrelated to your line of duty  
11 injury.

12

A. Yes.

13

Q. In what way were they  
14 unrelated?

15

A. They never occurred. The  
16 injuries that she was questioning me about  
17 she had records of in her hand and she  
18 attempted to question me about did not occur  
19 on the job, unrelated in any way or form,  
20 did not occur within the month of September  
21 of 2014 or any time while my employment in  
22 2007 until now with the Mount Vernon Police  
23 Department, but she had those records. I  
24 never consented for her to have those  
25 records but she had -- as a civilian she had

1

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29

2

those records in her hand with this company  
3 Disability Management Associates.

4

Q. Were the records pertaining to  
5 a right knee injury that you sustained at  
6 anytime?

7

A. No.

8

Q. What were the medical records  
9 pertaining to?

10

A. She began to ask me questions  
11 about unrelated injuries that she had.

12

Q. What unrelated injuries were  
13 they?

14

A. She stated dates, you know, she  
15 mentioned injuries that I didn't even know I  
16 had at one point in 2009. I really don't  
17 know. She mentioned something in 2009, as  
18 well. I don't remember an injury in 2009  
19 so, you know.

20

Q. In terms of body parts, do you  
21 recall what body parts she was referring to  
22 which were not related to your line of duty  
23 injury?

24

A. I don't remember but I wish not  
25 to discuss that further, anything unrelated

1

M. BOVELL

30

2

to my on duty injury.

3

Q. Have you ever injured your

4

right knee before September of 2014?

5

THE WITNESS: Injured as on

6

duty or any time in my life?

7

MR. SWEENEY: Anytime.

8

A. Not that I remember, not prior

9

to being employed by the Mount Vernon Police

10

Department.

11

Q. You indicated that there was

12

nothing in the collective bargaining

13

agreement regarding the authority of

14

Disability Management to work on your 207

15

claim; is that correct?

16

A. I indicated I checked with -- I

17

confirmed with our -- the union president at

18

the time, I confirmed with the collective

19

bargaining agreement that we have and he

20

said that there was nothing indicated that

21

we have any type of agreement with

22

Disability Management. We've consulted with

23

Captain Goldman -- Chief Goldman I believe

24

when he was promoted and he said to me --

25

his words are "Chief Goldman hasn't given

1

M. BOVELL

31

2

him anything to indicate any type of  
contractual contract or any type of  
bargaining agreement with Disability  
Management."

6

Q. Did the union ever file a  
grievance over Disability Management  
Associates working with 207-c claims?

9

A. I don't know. I don't know. I  
made the union president aware. He told me  
that he has no idea and that basically  
Captain Goldman was bullshitting and gave him  
the run around every time he asked to see a  
disagreement between the city and the Mount  
Vernon Police Department or within a  
department within.

17

Q. Did you file a contract  
grievance regarding the requirement to work  
with Disability Management Associates?

20

A. I identified the issues to my

21

union president.

22

Q. But you didn't file your own

23

grievance?

24

THE WITNESS: I'm not familiar

25

with that, what you're asking me.

1

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32

2

Q. Well, if you had an individual grievance, if you had a problem with how you were being treated with respect to terms and conditions of employment under the contract, you can file your own grievance; is that correct?

3

4

5

6

7

8

9

THE WITNESS: Under the

contract -- with what contract, with  
Disability Management?

11 MR. SWEENEY: No, the  
12 collective bargaining agreement that  
13 you referred to.

14 THE WITNESS: But there's no  
15 contract that we have with Disability  
16 Management.

17 MR. SWEENEY: Right.

18 Q. Did the union file an improper  
19 practice charge?

20 A. You know what, I don't know.  
21 He has that authority. I know he was  
22 annoyed, you know, he has that authority.  
23 He's fully aware of what's going on, my  
24 issues with the department. We've had  
25 conversations about it, you know, and at

1

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2

some point he began misinforming me. At  
some point he began to lie to me about  
what's going on, so I really don't know  
what's going on. It seems to be really  
ambiguous from that point.

7

8

9

10

Q. In your Complaint at Paragraph  
22 and I think other places you refer to  
"The unlawfully brought authorizations to  
obtain medical records."

11

12

Why were the authorizations  
unlawfully brought, if you know?

13

14

MS. BELLANTONI: I'm going to  
object. You can answer.

15

16

17

18

19

20

21

22

23

24

25

A. Sure. Each and every time --  
when I had the first meeting with Jill Stein  
in February or January, I can't recall in  
2015, she told me that these are customized  
-- she gave me some forms and told me that  
they're customized for me by her attorney.  
I don't know what attorney she's referred  
to, what attorney represents Disability  
Management, perhaps you, I'm not sure, but  
she informed me that these forms are  
customized especially for me and the wording

1

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34

2 basically expresses that in a nutshell that  
3 any cat, dog or mice can access my medical  
4 record. It was very broad and very  
5 customized, her words exactly. From there  
6 on out, communications that I received from  
7 Captain Goldman, Lieutenant Nawrocki, each  
8 time these customized HIPAA forms are  
9 changed in different ways; the wording, from  
10 who can access my medical records, every  
11 cat, dog or mice, so it changed every time.

12 Q. They were unlawful because they  
13 changed from time to time?

14 MS. BELLANTONI: Objection.

15 You can answer.

16 A. They're unlawful in the sense  
17 that it violated my -- who was allowed to  
18 access my medical records, my personal  
19 information; my Social Security Number and  
20 my date of birth. That was typed clearly on  
21 these documents that was in the possession  
22 of Jill Stein that day at the first meeting.  
23 She had access to my date of birth, my  
24 Social Security Number, my name and  
25 everything. These are confidential

1

M. BOVELL

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documents so that you have a civilian  
walking around and asking me personal  
information and trying to get access to my  
information that we as a department, the PBA  
is not aware of any -- at the time that I  
was told any type of contract with this  
company.

9

10

Q. I'm going to hand you and your

attorney Exhibit GG.

11

(Handed)

12

13

THE WITNESS: What about this

document exactly?

14

Q. Do you recall receiving that?

15

16

A. I recall Internal Affairs on

multiple occasions showing up at my house  
banging on my door while me and my son was  
home and my son being afraid, my neighbors  
alerted, as well, accompanied by Francis who  
is present right now, Lieutenant Olifiers.

21

22

23

24

25

I remember them giving me this letter and  
banging hard -- prior to banging hard on my  
door as if it was a jail style -- as if it  
was a prison house, so I remember receiving  
this letter but some details of this letter

1

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36

2

is inaccurate. It's very inaccurate so --  
and I was never given ample time to respond  
to this letter as requested.

5

Q. Did you ever file -- did you or  
anyone on your behalf file a grievance after  
receiving that letter of counseling?

8

A. File a grievance, I believe I  
sent a response to --

10

THE WITNESS: One moment. Let  
me take a look again, please.

12

A. I did send a rebuttal in  
response to this in a time frame provided.

14

Q. You sent a rebuttal.

15

Did you ever grieve that letter of  
counseling?

17

A. As indicated, I sent a  
rebuttal. I needed ten days to rebuttal  
which I did within that ten days and  
unfortunately I was never allowed these days  
to provide a response.

22

Q. Other than the rebuttal that  
you submitted, did you grieve that letter of  
counseling?

25

A. I grieved the form.

1

M. BOVELL

37

2

Q. To the union?

3

A. The PBA president.

4

Q. Do you know if a grievance --

5

A. He never advised me of that

6

process of the grievance. Again, I was annoyed. At some point he became very misleading and, you know, wasn't of much assistance to me which is why I have my own counsel, so I wasn't given -- shown the best interest by the PBA, Jose Colon, who is now being promoted as sergeant and he came from Sleepy Hollow. I was given mis information by Jose, I was misguided, I was misguided by some of the PBA reps, as well. So, they didn't seem to have my best interest at all but I did make my PBA, my leader -- our leader as the union aware of what was happening. There were emails that were sent by myself and my counsel to the PBA concerning issues pertaining to the harassment from the police department and Disability Management Associates.

24

25

Q. After receiving that letter of counseling -- I'm going to show you what's

1

M. BOVELL

38

2

marked as Exhibit II and ask you to take a  
look at that.

4

(Handed)

5

THE WITNESS: This is April.

6

Again, I received 1,000,  
approximately 1,000 -- a bit  
exaggerating -- but this letter is  
from Captain Goldman and Lieutenant  
Nawrocki. I remember this particular  
one. It seems to say that basically  
my -- about my 207-C benefits.

13

Q. That you were being awarded

207-c benefits; is that correct?

15

A. I don't understand but I  
already been awarded back in 2014. I don't  
remember this letter.

18

Q. You don't remember receiving  
that letter?

20

A. I don't remember it. I could  
have but I don't really remember.

22

Q. In your Complaint at Paragraph  
128 you reference an incident "In and around  
January of 2014 when Lieutenant Gallagher,  
Christopher Gallagher, I guess, was involved

1

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39

2

in an altercation [REDACTED] [REDACTED]

3

4

[REDACTED] [REDACTED] [REDACTED] do you recall that  
allegation?

5

A. Yes, I recall that that  
information was given to me by another  
officer, as well who witnessed, who did a  
report who witnessed the incident, who  
witnessed the racial display by Lieutenant  
Gallagher around that timeframe.

12

Q. What officer witnessed that?

13

A. That was Gene Jerome.

14

Q. Did Officer Gene Jerome make a  
report of that?

16

A. I'm not sure what he did, but  
he witnessed the incident, he did a report.  
He advised me that he did a report.

19

Q. Do you know to whom did he  
report?

21

A. I'm not sure.

22

Q. What racist remarks were made?

23

A. I don't remember. I know from  
what I can recall he advised me that  
Lieutenant Gallagher [REDACTED] [REDACTED]

1

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40

2

[REDACTED], to my recollection right now.

3

I don't remember the details right now that

4

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5

party while he was placed out of service [REDACTED]

6

[REDACTED] [REDACTED] I can't recall the arrest  
right now.

7

Q. If I understand your response,

9

this incident took place in a place that

10

[REDACTED] [REDACTED] while on duty?

11

A. I don't remember. From what I  
remember is that Lieutenant Gallagher

13

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14

[REDACTED] [REDACTED] [REDACTED] [REDACTED].

15

Q. But you don't remember what the

16

[REDACTED] [REDACTED] [REDACTED]

17

A. I can't recall right now.

18

Q. And [REDACTED] [REDACTED] [REDACTED] may have  
involved [REDACTED]

20

A. Oh, it did involve [REDACTED]

21

[REDACTED] [REDACTED] [REDACTED] That's what Gene  
Jerome said to me.

23

Q. When did Gene Jerome tell you  
this?

25

A. It was provided in a recording

1

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41

2

that was given to you. Oh, he said he  
witnessed it and they [REDACTED] [REDACTED]. He  
said he witnessed it, he complained about it  
but [REDACTED] [REDACTED] [REDACTED]. I remember him  
saying that but it's in the recording.

3

4

5

6

7

8

9

10

Q. Whatever knowledge you have

regarding an incident regarding Lieutenant  
Gallagher would appear on the audio  
recording?

11

A. Yes, on the conversation

12

between myself and Gene Jerome.

13

Q. Other than the audio recording,

14

have you and Gene Jerome discussed this

15

event?

16

THE WITNESS: Prior?

17

MR. SWEENEY: Either prior or

18

after.

19

A. After, I can't recall but prior

20

to this, no, I don't remember.

21

Q. How about after?

22

A. After, I don't remember;

23

perhaps because we've had multiple -- we've

24

had multiple conversations about misuse of

25

black people in the department with

1

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42

2

harassment, a lot of black people like

3

[REDACTED] in the department, you

4

know, we've had multiple conversations about  
things that happened, stuff that he's

5

witnessed, Jose Colon, PBA president, how he  
signed an agreement not to -- when

6

Lieutenant Fisher -- when Sergeant Fisher  
was illegally promoted to sergeant over

7

three black sergeants who also passed the  
test, he was promoted on an expired list,

8

Jose Colon, PBA president signed an

9

agreement not to -- what should I say -- not  
to -- what's the word I'm looking for -- not

10

to do anything. Basically he signed an

11

agreement not to do anything about it with

12

management.

13

Q. The agreement not to do

14

anything, that pertained to the promotion of

15

Lieutenant Fisher?

16

A. The illegal promotion of

17

Lieutenant Fisher.

18

Q. Why do you say it's illegal?

19

A. He was promoted off an expired

20

list allegedly on the weekend when the mayor

21

1

M. BOVELL

43

2

wasn't around over three black other  
officers who were at best on the current  
list as a result.

5

Q. Was Lieutenant Zadie promoted  
off the same list?

7

A. Lieutenant Zadie was --  
actually, he scored, I believe number one on  
the new list; either number one and  
subsequently after that I believe Sergeant  
McEachin, Sergeant Scott and then Sergeant  
Sexton were on that list, as well.

13

Q. You say that list, is that the  
same list as Lieutenant Fisher or a

14

different list?

15

A. Lieutenant Fisher failed the  
test. Once they realized he failed, they  
promoted him off the expired list, so  
members of the PBA, people were upset about  
it but what I was advised he signed an  
agreement with the administration not to  
dispute the promotion, the illegal  
promotion.

24

Q. Are you scheduled for surgery  
25 to your right knee, Officer Bovell?

1

M. BOVELL

44

2

THE WITNESS: Are you speaking

3

about now?

4

MR. SWEENEY: Yes, now.

5

A. Oh, yeah. I suppose I should

6

have the surgery sometime like this month,

7

actually.

8

Q. Have you been working with

9

Disability Management Associates regarding

10

your current treatment?

11

MS. BELLANTONI: Objection to

12

the form.

13

Q. Do you have interaction with

14

Disability Management regarding your current

15

medical treatment?

16

THE WITNESS: When you say

17

current, you're saying injury? I

18

don't get it.

19

MR. SWEENEY: Yes, same injury

20

within the last 60 days.

21

A. Within the last 60 days. Well,

22

I used to get a lot of harassing phone calls

23

from Disability Management. I really don't

24

understand -- it clearly states that they're

25

in the capacity of gathering medical records

1

M. BOVELL

45

2

but right after my second surgery or before  
3 they would constantly call me and leave  
4 messages, harass me. I don't know what they  
5 want. I'm not under their personal care. I  
6 have my own doctor. They used to call me a  
7 lot and show up at my doctor's appointment.  
8 I never signed an agreement for them to show  
9 up at my doctor's appointment. You know, it  
10 was just too much.

11

Q. I guess my question was: Have  
12 you had interaction with Disability  
13 Management Associates within the last 60  
14 days?

15

THE WITNESS: In the last 60  
16 days, myself or my doctor's office?

17

MR. SWEENEY: Yourself.

18

A. No. Ever since I filed my  
19 lawsuit then things got under the new mayor.  
20 Things kind of calmed down. I haven't  
21 receive any phone calls lately, magically.

22

Q. Do you know if Disability  
23 Management Associates is speaking with your  
24 doctors?

25

A. Well, as of this year, I was

1

M. BOVELL

46

2 told by Cindy Luciano when I told her that  
3 Steve Sperling called up and wanted to know  
4 when my surgery was scheduled. He said  
5 Steve called Disability Management and they  
6 wanted to know when my surgery's been  
7 scheduled, you know, they've -- well, they  
8 called and wanted to know my doctor's  
9 appointment in the past. Recently that's  
10 what I was told by Cindy Luciano of my  
11 doctor's office, Dr. Maddalo's office. So,  
12 they have been in contact with my doctor's  
13 office for medical records.

14

Q. Have you objected to that

contact by Disability Management Associates?

15

MS. BELLANTONI: Object as to

16

the form.

17

A. I have referred everything to  
19 my attorney. Once she advised me of that, I  
20 said to her that she should refer to my  
21 attorney for any type of legal matters.

22

Q. In your Complaint you allege

23 that your 207 benefits were terminated.

24

Have your 207-c benefits been

25

terminated?

1

M. BOVELL

47

2

MS. BELLANTONI: In their

3

entirety or any portions of them?

4

MR. SWEENEY: In their entirety

5

or any portion thereof.

6

A. Yes, they were and luckily I

7

have my legal counsel. It wasn't in its

8

entirety or it would have been if I didn't

9

have my attorney. After my second surgery,

10

I was told by my doctor I need about nine

11

months to 12 months of therapy. I only

12

received one to two months of therapy and

13

then my benefits were partially discontinued

14

or terminated.

15

Q. How were they partially

16

discontinued?

17

A. Well, I was getting my pay but

18

I wasn't receiving my therapy. It's a

19

Workers' Comp case. I wasn't getting my

20

therapy. I received a letter at some point

21

from Lieutenant Nawrocki or Chief Goldman at

22

the time that my benefits are terminated, my

23

207-c benefits are terminated so I stopped

24

receiving physical therapy, much needed

25

physical therapy for my recovery, so I went

1

M. BOVELL

48

2

months, over perhaps six, seven months,  
3 eight months without therapy.

4

Q. At some point in time, did

5

physical therapy resume?

6

A. Oh, yes, right after -- later  
7 on after the old leadership and under the  
8 new leadership of this new mayor, yes.

9

Q. Besides Gene Jerome, I guess  
10 it's Detective Gene Jerome now, have you  
11 spoke with any other officers about your  
12 lawsuit?

13

THE WITNESS: About my lawsuit?

14

MR. SWEENEY: Yes.

15

THE WITNESS: You know what,  
16 when you say about my lawsuit, what  
17 exactly are you referring to?

18

MR. SWEENEY: You brought a  
19 lawsuit. I'm asking if you spoke to  
20 officers besides Gene Jerome  
21 regarding your lawsuit.

22

A. Yeah, people have contacted.  
23 People contacted me a few weeks ago. They  
24 were concerned that they -- they said they  
25 got messages that they have to meet with the

1

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49

2

city's legal counsel because they were  
witnesses on my lawsuit and they called me.

4

Some of them I haven't heard from in a long  
time, you know, and I will say years, so  
they called me up and they wanted to know  
what was going on. I just said -- they  
asked. I said, "Just tell the truth" and  
that's basically it.

10

Q. Did you record those

11

conversations?

12

A. I don't remember.

13

Q. Why not?

14

MS. BELLANTONI: He said he

15

doesn't remember.

16

Q. You don't remember if you

17

recorded them?

18

A. I don't remember.

19

Q. Would there be something that  
would refresh your memory as to whether or  
not you recorded these people that called  
you?

23

A. Perhaps, but I will have to  
see.

25

Q. The audio recordings of Gene

1

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50

2

Jerome and others, were they done on your  
personal cell phone?

4

A. On my cell, yes.

5

Q. Have you deleted any of those  
recordings since this lawsuit began?

7

A. No, I've transferred those  
recordings on USB which I provided to you.

9

Q. Are there any recordings of  
individuals who have contacted you regarding  
this lawsuit that you haven't transferred to  
the thumb drive?

13

A. Not that I remember. I can't  
remember. I haven't checked.

15

MR. SWEENEY: I'm going to ask  
if you can search through your cell  
phone and if there are any recordings  
that have not been produced to your  
attorney I'd like to get a copy of  
those.

21

Q. But you don't remember deleting  
any recordings; do you?

23

A. No. If I had a recording about  
an issue pertaining to this because of the  
abuse that I received at the police

1 M. BOVELL

51

2 department and Disability Management then,  
3 you know, I would not have deleted anything.

4 Q. What officers contacted you  
5 besides Gene Jerome regarding this lawsuit  
6 that you referred to?

7 A. Officer Patterson called me two  
8 weeks ago, approximately two weeks ago,  
9 wanted to know what was going on. I said --  
10 he said he had a meeting. He wasn't sure if  
11 it was my attorney or city counsel,  
12 something about the Attorney General and I  
13 said, "Listen, tell the truth." I said,  
14 "Tell the truth." I haven't spoken to him  
15 since. I spoke to Avian Lee. She advised  
16 me that she's having a meeting with them, as  
17 well. She received a voicemail from patrol  
18 division that she has a meeting with the  
19 Attorney General and city counsel; a  
20 dispatcher. I forgot her name -- it's  
21 Dispatcher Richards. She contacted me and  
22 she wanted to know what, just as the others,  
23 what was going on. The same thing, I just  
24 told her to tell the truth.

25 Q. Any others besides Patterson,

1

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52

2

Avian Lee and --

3

A. I spoke to Gene Jerome, as I  
mentioned. I don't remember right now.

4

Q. You reported Patterson;  
correct?

5

A. I'm not sure.

6

Q. Mitchell, did Sergeant Mitchell  
call you?

7

THE WITNESS: Sergeant  
8

9

Mitchell?

10

MR. SWEENEY: Uh-huh.

11

A. I haven't heard from Sergeant  
12  
13 Mitchell recently since he was promoted to  
14  
15 -- since he was promoted to honorary  
16  
17 commissioner. I heard from him at some  
18  
19 point, yes, about the lawsuit a little bit  
after or prior but I haven't spoken to him  
recently.

20

Q. So, you recorded Mitchell;  
21  
22 correct?

23

A. Yes, I believe that was  
provided to Briley.

24

Q. You recorded Gene Jerome?

25

A. Yes, I provided the

1

M. BOVELL

53

2

information.

3

Q. You recorded Patterson?

4

A. Patterson, I don't remember --  
yes, in the past, not recently. I don't  
remember recently but in the past I have  
because I haven't heard from Patterson in  
awhile.

5

Q. Did you record Avian Lee?

6

A. I believe so. I'm not sure.

7

Q. Did you record Tiwana Richards?

8

A. Yes, yes, I would think so.

9

Q. In terms of your damages,  
Officer Bovell, I understand you're making a  
claim for compensation you would have earned  
as a detective; is that correct?

10

A. Yes, yes.

11

MR. SWEENEY: And I believe  
your attorney provided a calculation  
of that.

12

Q. You're claiming lost overtime  
opportunities from the Con Ed detail; is  
that correct?

13

A. Oh, yes.

14

Q. That would have been from the

1

M. BOVELL

54

2

period of July 29th, 2014 until you were  
3 injured on September 8th, 2014?

4

A. Yes.

5

Q. So, for about a month  
6 and-a-half, six weeks or so?

7

A. Approximately.

8

Q. Then I think there's also a  
9 claim for lost overtime since January of  
10 2016; is that correct?

11

A. I believe so.

12

Q. What overtime do you think  
13 you've lost since January 2016?

14

A. Well, you know what, with  
15 everything that's happening and all the  
16 abuse, the harassment and the neglect of  
17 medical treatment, if I had been given the  
18 opportunity and all the medical attention  
19 needed as a police officer, as an injured  
20 police officer with the City of Mount  
21 Vernon, a very busy City of Mount Vernon, I  
22 believe that I would have been able to  
23 recover in a more expeditious manner but as  
24 a result of the neglect by the police  
25 department in using my 207-c benefits

1

M. BOVELL

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against me and to harass and intimidate me,  
I have not had the opportunity to recover to  
the full potential that I could have.

5

Q. So, you believe that if you  
received medical treatment you believe you  
could have returned to duty on or about  
January of 2016?

9

A. I believe I could have been  
back, but with all this abuse and neglect,  
that didn't happen.

12

Q. Are you claiming any emotional  
damages, Officer Bovell?

14

A. A lot of emotional damages,  
yes.

16

Q. Have you treated with any  
professional regarding these emotional  
damages?

19

A. I have attempted to.

20

Q. What does that mean?

21

A. Meaning I reached out and I  
tried to make appointments but it's very  
hard, but at the same time, everything  
that's going on has been damaging to my  
personal life, to my wife, the abuse on the

1

M. BOVELL

56

2

police department from my son, the  
3 harassment. Unfortunately my home, my wife,  
4 my kids, they're not -- I'm the rock in my  
5 family so unfortunately I can't appear to be  
6 -- to them I appear to be weak and they  
7 don't know what to do. I tried to reach out  
8 for therapy without them knowing but I was  
9 unsuccessful and also it costs a lot of  
10 money to do it. So far I just been relying  
11 on the power of God trying to keep sane and  
12 try to hang on with everyday, you know,  
13 abuse and the harassment and me being  
14 ostracized, my career being objected and  
15 everything else, so it's been really hard on  
16 myself and my family. There's times I  
17 breakdown and I cry, I literally cry because  
18 this is not where I want to be in my life.  
19 It's not what I want to go through. It's  
20 been rough for myself and my family most of  
21 all and I've been trying to protect them.

22

23

24

25

Q. From your response, I take it  
that you haven't sought any professional  
counseling for these emotional issues that  
you've been having?

1

M. BOVELL

57

2

A. I tried to. It cost a lot of

3

money. I've tried to. I haven't been able

4

to get anyone and also it takes away, you

5

know, I've been afraid to. I've been afraid

6

to because I don't want to look weak in

7

front of my family. I don't want to seem

8

crazy. I don't want to seem like a crazy

9

person or something that needs help.

10

Q. You said two different things.

11

You said that it cost a lot of money and

12

that you don't want to appear weak by your

13

getting counseling.

14

In terms of the expense, you have

15

major medical insurance through the City of

16

Mount Vernon; do you not?

17

THE WITNESS: Pardon me?

18

Q. You have major medical

19

insurance -- you have health insurance?

20

A. Major, it's not major, but I

21

have medical insurance, but, you know, when

22

I called these -- I've made a few phone

23

calls to therapists and some of them do not

24

accept my insurance. Most of them want --

25

most of them want cash, you know, so you

1

M. BOVELL

58

2 have to pay with cash and the way it works  
3 you pay with cash and you get reimbursed by  
4 your -- if they accept your medical  
5 insurance, so most of the professionals that  
6 I've contacted is either they do not have  
7 any space, they're all booked up, they  
8 accept cash and they're very expensive for  
9 the hour and they -- the way it works is  
10 also is that you pay them first and then you  
11 attempt to get reimbursed from your  
12 insurance company.

13 Q. What providers that you've  
14 tried to see but they only accept cash and  
15 they're very expensive?

16 A. I've called a few.

17 Q. Do you have some names?

18 A. I recorded the conversations.  
19 I don't remember their names.

20 Q. You recorded conversations?

21 A. Yes, I recorded the  
22 conversations.

23 Q. Were those conversations  
24 disclosed to your attorney?

25 A. I don't remember. I don't

1

M. BOVELL

59

2

remember. I don't remember and if I did, I  
didn't see -- I don't remember.

4

MS. BELLANTONI: If they

5

haven't, I will ask my client to turn  
them over to me and I will provide  
you with a copy.

8

MR. SWEENEY: That will be

9

great.

10

Q. You're being treated by an  
orthopedic physician regarding -- for your  
knee; is that correct?

13

A. Yes.

14

Q. Have you made any complaints to  
your orthopedic surgeon about your emotional  
issues?

17

A. Well, my emotional -- yeah,  
it's obvious. My emotional status is  
obvious when they see me. They ask me if  
everything is all right because it's obvious  
based on what's happening and after,  
especially after the Disability Management  
representative showed up at my doctor's  
appointment, they felt that, the doctor's  
own words, that it's disgusting that the way

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M. BOVELL

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I've been treated. In their own words that  
3 it's disgusting, this is something that is  
4 too much abuse and that they've never seen  
5 so much abuse in their life.

6

Q. Can you describe for me what  
7 emotional issues that you're currently  
8 having?

9

A. Stress, anxiety, headaches, I'm  
10 worrying too much, I think about -- I was  
11 just in the hospital two weeks ago because I  
12 was worrying too much and I came down with a  
13 serious headache and they had to admit me.

14

Q. What date was that?

15

A. I don't remember what date. It  
16 was the week of the first scheduled  
17 deposition that I was unable to make it. I  
18 was just -- I had a nervous breakdown with  
19 everything that was happening and I had to  
20 go to the hospital because I was worrying so  
21 much and my headache exacerbated and they  
22 admitted me. They had me in isolation for a  
23 little bit. They had to check to see if I  
24 had any other type of disease which I didn't  
25 and then they took me off isolation and they

1

M. BOVELL

61

2

discharged me.

3

Q. What hospital was this?

4

A. This is Vassar Hospital. I

5

think it's in Poughkeepsie. I'm not sure.

6

Q. You were treated by some mental health professionals at Vassar?

7

A. I don't know. They were doctors. They couldn't understand why a healthy young man came in with that type of headaches and symptoms so they were checking me for everything; meningitis, MRSA, they were checking with needles in my spine so I was on -- they, you know, they gave me medication, antibiotics and I was on the IV. So, until -- I did two days out there. They checked and everything came up negative and they said -- once I started feeling better they discharged me.

14

Q. I take it from your response you were there for two days?

15

A. I don't remember; approximately. Once they were able to check and saw that my results were negative and that I was feeling better, I was discharged.

1 M. BOVELL 62

2 Once they were able to check the results

3 that it wasn't anything major that I had, I

4 was taken off isolation. People were coming

5 in my room with masks on because they felt

6 that -- they were asking me if I traveled

7 anywhere recently or if I -- the results

8 came out negative by the infectious disease

9 doctor, I believe. They checked that, too,

10 and then I was cleared.

20 Q. When you say all this  
21 happening, you mean the lawsuit?

1

M. BOVELL

63

2

the abuse that I'm subjected to, the  
3 harassment, my career, you know, my career,  
4 you know, me having to be here,  
5 unfortunately. I'd rather that this -- none  
6 of this occurred, meaning the bad things  
7 haven't occurred. I wish they were all good  
8 things that occurred.

9

Q. In terms of other -- in terms  
10 of headaches that you mentioned and stress  
11 and anxiety, is that a frequent occurrence  
12 for you or is that once in awhile?

13

A. That's -- when I think about my  
14 situation, when I think about what's  
15 happened with the job, that's when this  
16 occurs. When I have to look out every time  
17 to see Internal Affairs is coming to my  
18 home, I have to send my son to his bed  
19 because when they do come Lieutenant  
20 Olifiers for some reason everybody in my  
21 neighborhood was wondering why was that  
22 person knocking on my door. Lieutenant  
23 Olifiers and Francis -- Lieutenant Olifiers  
24 is knocking on my door like it's a prison  
25 house. Whether it's Francis or someone else

M. BOVELL

64

they ring the doorbell, so I really don't understand so I got to be looking out my window, you know, I'm home. They're dropping off letters, they're checking on me, checking if I'm home, you know, it's all harassment, all intimidation, so my mental state is like what's next? What's next? I don't know what's next. I live in cop land, too. Sergeant Wuttke lives across the street from me. I don't know what he's going to do and what he's going to lie about or say. He's known for lying. He's a liar, you know, abuse of power. This is what I got to go through. My son is looking at me like "Daddy, who's at the door? Why is he banging on the door like that?" I live in Dutchess County. No one bangs on the door. They ring the doorbell. It's a civilized world I live in. That's why it's there. That's the type of stuff I have to go through along with the phone calls, the harassment from Disability Management, the harassment from Lieutenant Nawrocki, Goldman, you know, ever since [REDACTED] [REDACTED] [REDACTED]

1

M. BOVELL

65

2

since the new mayor, that stopped.

3

Q. So, that would have been some  
time ago?

5

A. The new mayor was inaugurated  
in January of this year.

7

Q. We're in November now; right?

8

A. Yes, we're in November. It was  
January of this year. Since the new mayor

came into office, things have calmed down.

11

Since Goldman [REDACTED], things calmed  
down the way they used to be last year but,  
you know, but I'm still nervous as hell. I  
don't know what to expect. Anything is  
possible in a person in my situation and  
seeing what I've seen and the type of abuse  
and power that these figures have, my  
supervisors have, anything is possible, so I  
worry everyday what's next. I don't know  
what's next. Lies I've been told. I've  
been told lies and they have power.

22

Q. But the stressing phone calls  
from Disability Management Associates, they  
stopped as of January of this year; correct?

25

A. I believe so, approximately. I

1

M. BOVELL

66

2 have to check again but I'm still left with  
3 my career, my health, you know, you know, I  
4 expected to be at least a sergeant because  
5 -- something right now, you know, doing  
6 something positive. I took the sergeants  
7 test just a week or two after I did surgery,  
8 you know, and that was rough and while being  
9 stressed out by the job and Disability  
10 Management, you know, it was rough. I  
11 couldn't study for the test so I wasn't even  
12 prepared but I said hey, let me give it a  
13 shot. I like working for the City of Mount  
14 Vernon, community of Mount Vernon. Why  
15 should I run? Why do I got to run like  
16 everybody else? I want to be here, but it's  
17 the administration that is corrupted and  
18 full of racism, favoritism, abuse of power.  
19 That's what I'm subjected. Why should I  
20 have to run?

21 Q. I'm confused, so after change  
22 of administration in January of 2016, the  
23 city administration is still corrupt and  
24 racist?

25

MS. BELLANTONI: Was that --

1

M. BOVELL

67

2

can you read the other question back?

3

(Whereupon, the reporter read

4

back the requested material.)

5

A. Put it this way: If I didn't

6

have my legal counsel, I'm pretty sure

7

things would be a lot worse and if I didn't

8

file this lawsuit, things would be a lot

9

worse than they are right now, so I put that

10

on the grace of God and that I have good

11

representation. How can the city not be

12

corrupt and not be still racist? The same

13

people work there. The same people are

14

still there, the same players, the same

15

regime from years ago transitioning

16

Lieutenant Fisher, he's the head of major

17

case unit, incompetent case unit. The word

18

is if you want to do a murder, come to Mount

19

Vernon, you know, nothing is being done.

20

Why do these people have this power and

21

nobody wants to work amongst that, you know,

22

he's a racist, you know, ask Dave Clark.

23

He's known to -- Marvin, he worked with

24

them. Call him boy, you know, speak down to

25

them. No black person wants to work in his

1

M. BOVELL

68

2

narcotics unit because he's a racist. He is  
3 a racist, you know, and he's been told by  
4 Antonini he was. Antonini told me the only  
5 reason why Lieutenant Fisher likes him is  
6 because he likes baseball and because  
7 Antonini is dirty and is willing to do  
8 anything for him. So, you know, it's the  
9 same players. Ain't nothing changing, you  
10 know, how is it going to change?

11

Q. In terms of other damages such  
12 as specials or I think you said you bought  
13 an exercise bike, are there any other  
14 damages you're claiming because of this  
15 attributable to this lawsuit?

16

MS. BELLANTONI: I'm going to  
17 object just based on documentation  
18 we've provided in interrogatories,  
19 but you can go ahead and answer that.

20

A. I don't know because this whole  
21 experience has been overwhelming, you know,  
22 it's been tough on myself and my family. It  
23 doesn't just affect me, it affects my family  
24 as a person, as a police officer, as a  
25 father, as a husband, as a human being, as a

1

M. BOVELL

69

2

good person in my community when they see  
people come to my home and knock on the door  
and, you know, bang on the door like that,  
all type of things that happened, it affects  
me overall as an individual. It's rough,  
and I'll tell you this, now I understand why  
cops, other police officers don't speak up.

9

I understand why other police officers take  
the L and rather look the other way and go  
somewhere else to transfer because nobodys  
wants to be with this. Who would want to go  
through this? You know, doing the right  
thing does not mean you getting the right  
results, you know, sometimes there's a  
sacrificial lamb, unfortunately. Sometimes  
it takes something catastrophic to occur  
before the good happens, you know, it's  
unfortunate, so somebody has to be the  
sacrificial lamb, who's willing to stand up?  
Sometimes people don't want to stand up, you  
know, because who wants to go through agony?  
It's painful. This what I'm going through  
is painful. Nobody in the world should have  
to experience this. Nobody in this great

25

1 M. BOVELL

70

2 country should have to experience this at  
3 all especially as a police officer, a person  
4 that puts their life on the line everyday,  
5 especially a big city where people are dying  
6 and getting shot in Mount Vernon. You're a  
7 real officer. When you work here, you have  
8 the credentials in other law enforcement  
9 department. You have the experience, you  
10 are invaluable, you have the credentials  
11 they know because working in the City of  
12 Mount Vernon means that you're a cop, you  
13 know, you've seen things, you know, you've  
14 seen things so you should know how to go  
15 about doing your job, but why would I have  
16 to run if I like working here, you know, why  
17 should I have to run? I lived here. Before  
18 I moved to Dutchess I lived in the City of  
19 Mount Vernon. I have no problem with the  
20 community, you know, it's a mixed community.  
21 Unfortunately I had to move because taxes  
22 were too high. I can't afford it on my  
23 salary. I can't afford to pay 10,000,  
24 \$15,000 for taxes, you know, I can't afford  
25 it.

1

M. BOVELL

71

2

Q. In terms of other damage you

3

may be claiming and it wasn't really clear

4

to me from what was provided to date, but

5

you're not claiming any physical injuries

6

arising out of this lawsuit; is that

7

correct?

8

MS. BELLANTONI: No, that's not

9

correct.

10

MR. SWEENEY: You are?

11

MS. BELLANTONI: We are. So as

12

we stated to court previously, the

13

retaliation -- want me to do this off

14

the record?

15

MR. SWEENEY: On the record is

16

fine.

17

MS. BELLANTONI: Based on

18

retaliation in connection with this

19

denial of his physical therapy, it

20

has exacerbated his injury and

21

prevented him from returning to work.

22

So, to the extent, and I know this is

23

a fine line, because 207-c is a

24

Workers' Comp issue but to the extent

25

it has delayed his return to work

1

M. BOVELL

72

2

and/or exacerbated his injury, I  
think that may take that outside of  
the realm of the Workers'  
Compensation.

6

MR. SWEENEY: Well, as I

7

understand --

8

9

10

MS. BELLANTONI: Which would  
be, I guess, a question for the  
court.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. SWEENEY: As I understand  
the claims, this is why I want to  
kind of narrow it down, because if  
it's relevant I can ask him questions  
about it. If it's not relevant, I  
won't but I understand there's an  
economic claim based on his delay in  
his return to work which I  
understand, but in terms of whether  
or not he's claiming his knee hurts  
more or he's left with more of a limp  
or something like that, is that part  
of this claim?

MS. BELLANTONI: I don't know

that -- I don't know. I don't know

1

M. BOVELL

73

2

that he's going to be able to -- I  
think that's more of a question for  
his physician as far as his prognosis  
initially and whether that caused a  
for not having physical therapy.

7

You can ask him about his  
physical condition just because you  
have him here, but I think that's  
maybe more of a medical opinion based  
on having physical therapy and what  
was requested and not having it.

13

14 MR. SWEENEY: Also he's going

to have a new surgery soon?

15

16 MS. BELLANTONI: That's

correct.

17

18 MR. SWEENEY: I assume his  
physical condition will be changed  
19 somewhat perhaps after the additional  
surgery.

21

MS. BELLANTONI: Right.

22

23 MR. SWEENEY: I just didn't  
know for sure if there's a claim of  
24 physical pain and suffering as a  
25 result of this -- that's relating to

1

M. BOVELL

74

2

this lawsuit. I guess that would be  
part of the 207 Workers' Comp  
statute.

5

MS. BELLANTONI: I just want  
for the record there is a claim for  
punitive damages, as well and  
attorney fees as far as damages is  
concerned.

10

11

MR. SWEENEY: I understand

that.

12

13

Q. Have you filed a Notice of  
Claim, Officer Bovell, in this matter?

14

15

THE WITNESS: Notice of Claim

to whom?

16

17

MR. SWEENEY: To the City of  
Mount Vernon.

18

19

THE WITNESS: I'd have to check

with my attorney regarding that.

20

21

MR. SWEENEY: If you know or if

you don't know.

22

A. I don't know.

23

24

25

Q. In terms of your treating

physicians, Officer Bovell, who is your

current orthopedic surgeon that's treating

1

M. BOVELL

75

2 you?

3 THE WITNESS: Current, you mean  
4 the one that's been since my 2014  
5 injury?

6 Q. It hasn't changed; right, so it  
7 would be the same one.

8 A. Same doctor, Anthony Maddalo.

9 Q. Do you have a general practice  
10 or family doctor that you see?

11 A. Family doctor, I have a doctor  
12 -- yeah, I do have a doctor.

13 Q. What's your doctor's name?

14 A. I forget -- Dr. Dave in New  
15 Rochelle.

16 MS. BELLANTONI: Do you know  
17 how to spell that?

18 THE WITNESS: I think it's  
19 D-A-V-E. I'm not sure. I'd have to  
20 look it up.

21 Q. When was the last time that you  
22 saw Dr. Dave?

23 A. It's been a little while. It's  
24 been some time.

25 Q. Have you treated with Dr. Dave

1

M. BOVELL

76

2

regarding this injury, 207 claim or any of  
3 the emotional that you've described?

4

A. Emotional, no, I haven't  
5 treated with Dr. Dave. I think the last  
6 time I saw him was perhaps last year. I  
7 don't remember.

8

Q. Do you know the reason you saw  
9 Dr. Dave last year?

10

A. I don't remember, but I was  
11 told by the hospital that I was -- when I  
12 was admitted to Vassar that I should  
13 follow-up with my doctor, personal doctor at  
14 some point in time.

15

Q. And you haven't done that?

16

A. No, I've made an appointment to  
17 follow-up with the health doctor there which  
18 she told me to do and subsequently after  
19 that I'll follow-up with my doctor, with my  
20 personal doctor.

21

Q. Other than your treating  
22 orthopedic surgeon and Dr. Dave, your  
23 primary care specialist, have you treated  
24 with any other doctors since your injury of  
25 2014?

1

M. BOVELL

77

2

A. I've been to -- I don't

3

remember. Pertaining to my injuries, I've  
seen other doctors, MRI's and stuff like  
that.

6

Q. I don't mean doctors that may

7

have looked at you on behalf of the city,  
I'm talking about treating physicians and I  
don't mean physical therapists, I mean like  
doctors with a medical degree.

11

A. Not that I remember.

12

MR. SWEENEY: Off the record.

13

(Whereupon, a discussion was

14

held off the record.)

15

Q. Just to wrap up the doctor

16

issue, Officer Bovell, other than your  
treating orthopedic physician, your surgeon  
and Dr. Dave, you don't really recall any  
other physicians, maybe other than  
radiologist for the MRI?

21

A. I don't remember.

22

MS. BELLANTONI: You mean for

23

anything; flu shot, physical, stuff  
he knows, just so we're clear?

25

Q. The question is really relating

1

M. BOVELL

78

2

to your line of duty injury or any emotional  
3 injuries that you've mentioned and that was  
4 my question and I'll make it more expansive  
5 after that.

6

A. Not that I remember. I made  
7 attempts to see a therapist but I was  
8 unsuccessful.

9

Q. You said those maybe were

10 recorded phone calls?

11

A. Yes.

12

Q. In terms of seeing doctors for  
13 any other reason, your attorney mentioned  
14 for example a flu shot, would you have seen  
15 your primary care specialist or some other  
16 doctor for that reason?

17

THE WITNESS: For a flu shot?

18

MR. SWEENEY: Or any general  
19 medical needs you may have.

20

A. Other than two weeks ago I went  
21 to the hospital. I saw the doctors there  
22 and they told me that I should follow-up  
23 with them shortly and then I should see my  
24 personal doctor so that's in the works right  
25 now based on my breakdown.

1 M. BOVELL [REDACTED]

2 MR. SWEENEY: Let's take a two  
3 minute recess and we'll try and wrap  
4 this up.

5 (Whereupon, a recess was taken  
6 at 1:32 p.m., examination resumed at  
7 1:40 p.m.)

8 Q. Officer Bovell, I'm just going  
9 to try and kind of go back to last week and  
10 just ask you some questions where you may  
11 have responded that you didn't know or you  
12 didn't recall certain details and if that's  
13 the case, that's okay, but I just figure if  
14 you have any additional information for me.

15 I'm just referencing a paragraph of  
16 the Complaint because it makes for a better  
17 record.

18 Paragraph 34 of the Complaint you  
19 indicated there was an occasion where  
20 Detective Antonini [REDACTED] [REDACTED]  
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
23 [REDACTED] That's the allegation in Paragraph  
24 34.

25 If I recall correctly, I think you

1

M. BOVELL

80

2

said that happened on more than one occasion  
with Detective Antonini; is that correct?

4

A. Yes, more than once.

5

Q. Do you recall any specific  
individuals?

7

THE WITNESS: Who were present?

8

MR. SWEENEY: Suspects or CI'S  
that that happened to.

10

Q. In other words --

11

THE WITNESS: Would you ask  
that --

13

MR. SWEENEY: Let me rephrase  
it.

15

Q. [REDACTED]

16

[REDACTED] and Detective Antonini [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]

18

MS. BELLANTONI: I'm going to

19

rely on the prior testimony and if

20

there's more clarification, I don't

21

want him to be held down to what his

22

answer was if he doesn't have a copy

23

of the deposition transcript. I

24

don't believe he was able to give

25

specific --

1

M. BOVELL

81

2

MR. SWEENEY: He wasn't.

3

MS. BELLANTONI: -- locations

4

or arrests. So, to that extent --

5

Q. I'm hoping in the week since we

6

had the deposition that you may have looked

7

at whatever records you may have and have

8

some more information on exactly who --

9

A. You mentioned person. What I

10

stated I said when they were doing search

11

warrants of vehicles and along with

12

searching the car [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19

[REDACTED] the previous narcotics

20

unit.

21

Q. I understand that, but all I'm

22

asking is when you say suspects' vehicles,

23

there's no identity of the suspect.

24

I'm asking if you have any

25

information on what suspect by name that

1

M. BOVELL

82

2

would have been, for example?

3

A. I don't remember right now in

4

detail, but I remember this one.

5

Q. Are there any records available to you that would refresh your memory as to what suspect it was?

6

A. In the narcotics office there's a black book where that black book, I don't know if they destroyed it, perhaps. I don't know. It should still be there where we keep all the arrests of Antonini and Fegan and -- it's used as a competition amongst ourselves by the supervisors to push us to get arrests, so we put the arrests of whose name, we cross out the name of the officer, incident number, arrest location, who was arrested and for what, you know, so we have to put the names in that book. So, that's one thing, one particular item and also your police reports.

7

Q. Are there any confidential informants by name or by initials that would correspond to these incidents where money is taken out of a suspect's vehicle?

1

M. BOVELL

83

2

THE WITNESS: Can you rephrase

3

that? I didn't get that.

4

Q. Are there any confidential

5

informants and I'm hesitant to using a name  
on a confidential informant or by initials  
that you can recall that would correspond to  
these incidents where money was taken out of  
a suspect's vehicle?

10

MS. BELLANTONI: I'm going to

11

object to the form. Do you mean that  
money was taken as a result of a  
search, information from a CI or  
money was taken from the personal  
property of the CI?

16

MR. SWEENEY: Well, I think it

17

would be the informant or meaning --

18

Q. Paragraph 34 says "On numerous  
occasions while conducting search warrants  
on suspect vehicles and homes, Officer  
Bovell would observe Detective Antonini

22

[REDACTED]

23

[REDACTED]

24

THE WITNESS: Why would a

25

confidential informant be present for

1

M. BOVELL

84

2

that?

3

Q. Does a confidential informant  
give you information that lead to that  
suspect vehicle being subject to a search  
warrant?

7

THE WITNESS: Are you asking

8

what particular incident where an  
incident number or incident report --

10

MR. SWEENEY: Right.

11

A. Oh, yeah, that information  
would definitely be in that black book that  
we have in the narcotics office that we  
record all the arrests. That would be  
helpful. It has arrests in there from years  
ago. There are arrests in that book from  
Sergeant Fegan as I stated that when we went  
-- when I had that discussion with Sergeant  
Fegan when he told me to, you know, pick the  
fucking bag up and I initially asked out of  
the unit and we had that discussion. He was  
pushing us to get -- he was telling us that  
we have to get 60 arrests, that we have a  
quota that we have to get 60 arrests a month  
and I looked in the book and I said to him,

1

M. BOVELL

85

2

"You ain't even making 60 arrests a month so  
why do we assume that we're gonna get  
written up if we don't make 60 arrests?"

5

So, we have to go out and lock people up so  
that was one of my -- the reason that I  
refer back to that book, it has arrests from  
Sergeant Fegan days when he was working in  
narcotics as a detective.

10

Q. But regarding your current  
knowledge of any names of suspects or even  
CI's or street names regarding these  
incidents where the vehicle was pulled over  
for the search warrant, you can't remember  
any of those details?

16

THE WITNESS: Right now? Right

17

now?

18

MR. SWEENEY: Right now.

19

20

A. Right now, not right now. In

reference to the case where [REDACTED] [REDACTED]

21

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1

M. BOVELL

86

2

MR. SWEENEY: Off the record.

3

(Whereupon, a discussion was

4

held off the record.)

5

6 MR. SWEENEY: In an off the  
7 record conversation, Officer Bovell  
8 provided some information regarding  
9 the CI that was involved in an  
10 incident as alleged in Paragraph 54  
11 through 59 of the Complaint, I  
12 believe.

13

14 THE WITNESS: May I say  
15 something? Detective Griffin  
16 personally reached out to him to let  
17 him know that. He knows the  
18 relevance of that particular CI so he  
19 wanted to let me know that, so we  
20 were discussing that -- previously he  
21 had passed away, as well so I was  
22 asking why the CI died and what was  
23 going on.

24

MS. BELLANTONI: Are you done?

25

THE WITNESS: Sure.

MS. BELLANTONI: In an off the

1

M. BOVELL

87

2

record discussion, Officer Bovell

3

gave counsel the name of the CI who

4

was referenced in Paragraph -- [REDACTED]

5

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].

13

THE WITNESS: Sometime this

14

year.

15

Q. [REDACTED] [REDACTED] [REDACTED],

16

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17

[REDACTED] [REDACTED]

18

A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21

[REDACTED] [REDACTED] [REDACTED]

22

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23

[REDACTED] [REDACTED]

24

Do you believe that [REDACTED] [REDACTED] [REDACTED]

25

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1

M. BOVELL

88

2

[REDACTED]

3

A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7

[REDACTED] [REDACTED] [REDACTED]

8

THE WITNESS: Can we go off the

9

record for that one?

10

MS. BELLANTONI: You're going

11

to give a name?

12

THE WITNESS: Yeah, I'll give a

13

name for that one.

14

MR. SWEENEY: Off the record.

15

(Whereupon, a discussion was

16

held off the record.)

17

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20

[REDACTED] [REDACTED] [REDACTED]

21

Q. Is that a dangerous business in

22

your experience?

23

THE WITNESS: Dangerous

24

business selling drugs?

25

MR. SWEENEY: Yes.

1

M. BOVELL

89

2

A. Dealing drugs, working in the

3

police department as a police officer is

4

dangerous business.

5

Q. My question was: Is selling

6

drugs a dangerous business in your

7

experience?

8

A. Yeah, of course.

9

Q. Did you make an official report

10

of the misconduct that you've outlined in

11

Paragraphs 55 through 59 of the Complaint

12

and that's regarding [REDACTED] [REDACTED]

13

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

15

THE WITNESS: Other than

16

Sergeant Fegan?

17

Q. So, you reported this

18

misconduct to [REDACTED] [REDACTED] that he was

19

involved in?

20

A. What happened to me with

21

[REDACTED] [REDACTED], we discussed that -- no, I

22

don't think so. I'm not sure. I don't

23

remember.

24

Q. You don't remember reporting

25

this misconduct about [REDACTED] [REDACTED] and

1

M. BOVELL

90

2

3 A. I reported this conduct to Judy  
4 Williams of human resources.

5

THE WITNESS: Did I?

6

7 A. Yes, to Judy Williams of human  
8 resources. That was in 2014. I was in the  
9 narcotics unit in 2013. I left the  
10 narcotics unit in January of 2014. As the  
11 harassment and the abuse escalated I  
12 reported it to Judy Williams of the human  
13 resources. We had a conversation and we  
14 discussed about [REDACTED] in Mount  
15 Vernon Police Department. She wanted me to  
16 draft something on paper so we can open up  
17 an investigation. I did. No investigation  
was done.

18

19 Q. As I understand your response

20 to the question the misconduct about

21

[REDACTED] [REDACTED] and [REDACTED] [REDACTED]

22

supposedly [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24

[REDACTED] [REDACTED]

25

A. That occurred sometime in mid

1

M. BOVELL

91

2

August to late -- I'm sorry, mid 2013 to  
late 2013. I don't remember the exact date.

4

Q. And you made a report of that  
misconduct sometime in 2014 to Judy  
Williams; is that correct?

7

A. In 2014 when I was no longer in  
the narcotics unit I made a report to Judy  
Williams, yes.

10

Q. And [REDACTED] that you  
described, that was set forth in this  
written report to Judy Williams; correct?

13

A. We had a conversation about it  
and she said to me that I shouldn't put too  
much details, just draft something so we can  
open up an investigation. She's going to  
set up a meeting with the mayor and we're  
going to take it from there. Nothing had  
happened.

20

Q. Judy Williams told you not to

put down too many details?

22

A. She told me to draft it, I  
don't have to go into too much details. We  
were discussing this verbally and she told  
me about [REDACTED] in the department

1

M. BOVELL

92

2

and Internal Affairs. We discussed that  
with Lieutenant Olifiers, we discussed that  
with Commissioner Burke and other things  
that have occurred and she said I should  
just draft -- put something -- document  
something so she could work with it and  
allow her to open up an investigation and  
we're going to have some meetings and that  
never occurred.

10

11 Q. I'm handing you back Exhibit H  
12 that you identified at the last deposition.

13

(Handed)

14

A. This seems to be some of the  
15 documentation that I gave Ms. Williams.

16

Q. I show you Defendant's I for  
17 Identification which is a human resources  
18 form.

19

(Handed)

20

A. Okay.

21

Q. H and I are documents that you  
22 gave to Judy Williams; correct?

23

A. Some of the documents.

24

Q. What other documents did you  
25 give her?

1

M. BOVELL

93

2

A. I'm not sure. I don't

3

remember. I'd have to see. I don't recall.

4

Q. Is there any other [REDACTED]

5

that you believe exists with respect to

6

Mount Vernon Police Department that is not

7

set forth in your report to Judy Williams?

8

A. Well, this happened after.

9

There are instances where -- see, the way it

10

works in Mount Vernon Police Department even

11

though there's racism, there's abuse of

12

power, as well. The way I've been told I

13

cannot effect change if I'm not a

14

supervisor. I was told by another

15

supervisor I cannot effect change if I'm not

16

a supervisor. So, unfortunately sometimes

17

-- well, supervisors do get away with

18

things, you know, get to get their way and

19

do what they want to do. Initially when I

20

called in I wasn't approved for my second

21

surgery and I waited for my second surgery.

22

I called the desk. I was speaking to Tommy

23

Gallagher who is Lieutenant Chris

24

Gallagher's brother and he asked me "What's

25

going on?" I said, "I'm waiting for my

1

M. BOVELL

94

2

second surgery." He said to me that "Well,  
3 you got to be like my brother. You got to  
4 call up City Hall and talk to someone,  
5 scream at somebody and then you get approved  
6 right then?" He said to me, "You're not a  
7 supervisor, you can't do that." That's to  
8 say, you know, you won't get the privilege  
9 as a supervisor unless you are a supervisor.

10

Q. In terms [REDACTED], you

11

give a story about how you had to be a boss  
12 in order to get surgery approved.

13

A. [REDACTED]

14

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1

M. BOVELL

95

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3

4

5

6

7

8

9

10

11

Q. When did this happen?

12

A. This happened sometime in 2014,

'15, I believe. I'm not sure.

14

Q. Did you observe this or --

15

A. No, this was told to me by

16

another police officer.

17

Q. What police officer was that?

18

A. I think it's a few police officers told me this. I believe one of

which I can remember now is Gene Jerome.

21

Gene Jerome told me he saw the complaint form, you know, and nothing is being done

23

[REDACTED].

24

Q. Who is the supervisor?

25

A. I don't remember. I don't

1

M. BOVELL

96

2

remember.

3

Q. You don't remember the name of

4

the supervisor.

5

Who is the spouse or wife that was

6

involved?

7

A. I'm not sure. I'd have to

8

gather more information from my recollection

9

from Gene Jerome, but Gene Jerome is the one

10

that gave me specific details. He saw the

11

complaint, that he saw the complaint form

12

that the spouse filled out for the incident

13

and nothing was done. [REDACTED] [REDACTED] [REDACTED]

14

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15

[REDACTED] [REDACTED] [REDACTED]

16

Q. Are there any other examples of

17

[REDACTED] that you haven't mentioned?

18

A. Right now, I don't remember

19

right now. I'll try to get it as much as

20

possible at this point in time. I don't

21

remember.

22

MR. SWEENEY: I have no further

23

questions at this time. Thank you.

24

(Whereupon this examination

25

concluded at 2:02 p.m.)

1

M. BOVELL

97

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MURASHEA BOVELL

6

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25

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2016.

-----  
Notary Public

C E R T I F I C A T E

STATE OF NEW YORK )  
                             )ss.:  
COUNTY OF WESTCHESTER)

I, LISA DOBBO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That MURASHEA BOVELL, the witness whose deposition is hereinbefore set forth, was duly sworn by me, and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of November, 2016.

---

LISA DOBBO  
SHORTHAND REPORTER

EXHIBIT PAGE

<u>Defendant's Exhibit</u>	<u>Description</u>	<u>Page Number</u>
DD	Letter dated 10-27-14	04
EE	Letter dated 1-29-15	04
FF	Letter dated 2-26-15	04
GG	Letter dated 3-6-15	04
HH	Letter dated 3-13-15	04
II	Letter dated 4-13-15	04

\* \* \*

REQUEST

Page 50      Production of any cell phone recordings that have not been produced to your attorney

100

ERRATA SHEET

The following corrections, additions or deletions were noted on the transcript of the testimony which I gave in the above-captioned matter held on 11/1/16:

Page \_\_\_\_ Line \_\_\_\_ SHOULD READ: \_\_\_\_\_

REASON FOR CHANGE: \_\_\_\_\_

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REASON FOR CHANGE: \_\_\_\_\_

\_\_\_\_\_  
MURASHEA BOVELL

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

\$	50 - 1:24; 99:17 50% - 7:17 54 - 86:10, 87:5 55 - 89:11 59 - 86:11, 87:5; 89:11	ahead - 68:19 ain't - 68:9; 85:2 alcohol - 40:6, 10 Alec - 2:18 alerted - 35:19 allegation - 39:5; 79:23; 87:7, 15 allege - 18:14, 24; 22:2; 46:22 alleged - 12:7; 86:10 allegedly - 42:25 allow - 92:8 allowed - 34:17, 36:20; 87:8, 89:12 allowing - 19:12; 90:22 altercation - 39:2; 94:19 ambiguous - 33:6 American - 9:24 ample - 36:3 AMY - 2:8 AND - 1:8-12; 3:6, 17 and-a-half - 54:6 annoyed - 32:22; 37:7 answer - 5:11, 21; 33:14; 34:15; 68:19, 80:22 Anthony - 75:8 antibiotics - 61:15 Antonini - 12:8; 14:3; 68:4, 7; 79:20; 80:3, 16; 82:12; 83:21; 85:20; 87:7; 90:2, 20 antonini - 68:4 anxiety - 60:9; 62:13; 63:11 anytime - 29:6, 30:7 apologized - 23:2 appear - 41:9; 56:5; 57:12 apply - 5:10 appointment - 22:12; 45:7, 9; 46:9; 59:24; 76:16 appointments - 22:14; 55:22 apprehended - 85:24 approved - 93:20; 94:5, 12 April - 38:5 area - 6:15; 88:19 arising - 71:6 arrest - 40:6; 82:17 arrested - 14:9; 16:11, 15; 82:18; 85:24 arrests - 81:4; 82:12, 15; 84:14-16, 23-24; 85:2, 4, 7, 22 additions - 100:2 address - 4:3 Address - 2:7, 12 administer - 3:12 administration - 12:2; 43:21; 66:17, 22 admit - 60:13 admitted - 60:22; 76:12 advance - 7:14 adverse - 9:18 advised - 16:18; 17:11; 25:22; 37:5, 39:18, 24; 43:20; 46:19, 51:15 affair - 94:15; 95:5 Affairs - 35:15; 63:17; 92:2; 95:2 affect - 68:23 affects - 68:23; 69:5 afford - 70:22 afraid - 35:18; 57:5 African - 9:24 African-American - 9:24 ago - 48:23; 51:8, 60:11; 65:4; 67:15; 78:20; 84:16 agony - 69:22 agree - 16:20; 81:16 AGREED - 3:7, 18 agreement - 26:6; 30:13, 19, 21; 31:4; 32:12; 42:7, 13, 16, 18; 43:21; 45:8	available - 82:5 Avian - 51:15; 52:2; 53:9 awarded - 17:11; 38:13, 16 aware - 31:10, 32:23; 35:6; 37:18 awhile - 15:16; 53:8; 63:12	C calculation - 53:19 calmed - 45:20; 65:10 cannot - 93:13, 15 capacity - 44:25 CAPACITY - 1:8-10, 12 Captain - 25:13; 27:4; 30:23; 31:12; 34:7; 38:9 CAPTAIN - 1:10 captains - 15:12 captioned - 100:4 car - 81:12 care - 45:5; 76:23; 78:15 career - 7:15; 56:14; 63:3; 66:3 case - 20:21; 23:10; 47:19; 67:17; 79:13; 85:20 cash - 57:25; 58:2, 8, 14 cat - 34:3, 11 catastrophic - 69:17 caused - 73:5; 87:19 causes - 87:17 cell - 50:3, 16; 99:17 certain - 18:5, 20:13; 79:12 certainly - 5:17 certify - 98:8, 13 CHANGE - 100:7, 9, 11, 13, 15, 17, 19 change - 15:23; 16:19; 66:21; 68:10; 93:13, 15 changed - 34:9, 11, 13; 73:18; 75:6 changing - 68:9 charge - 14:24; 32:19 check - 60:23; 61:23; 62:2; 66:2, 74:18 checked - 30:16; 50:14; 61:17; 62:9 checking - 61:11, 13; 64:5 Chief - 13:11; 30:23, 25; 47:21 choice - 20:6 choked - 39:25; 40:4, 13 choking - 40:19 Chris - 93:23 Christopher - 38:25 CI - 83:13, 15; 85:21, 23; 86:9, 17, 21; 87:3, 8, 12, 19-20; 90:22 CI's - 85:12, 25; 86:2; 87:16; 88:2, 6, 18, 89:12 CI'S - 80:8 Cindy - 46:2, 10 city - 1:7; 5:7; 31:14; 51:11, 19; 66:23; 67:11; 70:5; 77:7 City - 54:20; 57:15; 66:13; 70:11, 18; 74:16; 94:4 city's - 49:2 Civil - 1:5 civilian - 28:25; 35:2 civilized - 64:19 Claim - 74:13 claim - 18:6; 21:19; 24:10; 30:15; 53:15; 54:9; 72:17, 23; 73:23; 74:6; 76:2 claiming - 53:21; 55:12; 68:14; 71:3, 5; 72:20 claims - 31:8, 72:12 clarification - 80:20 Clark - 67:22 clear - 71:3; 77:24 cleared - 62:10 clearly - 34:20; 44:24 client - 59:5 Clinton - 13:9, 16:25; 17:8 coincidence - 88:5 collective - 26:5, 30:12, 18;
0	60 - 44:20; 45:13, 15, 84:23; 85:2, 4 682-1888 - 1:25	bad - 7:12; 63:6 bag - 84:20 bang - 69:4 banging - 35:17, 22; 64:17 bangs - 64:18 bargaining - 26:6; 30:12, 19; 31:4; 32:12 baseball - 68:6 based - 7:5, 7; 11:12; 59:21; 68:17; 71:17; 72:17; 73:10; 78:25; 81:16 be - 1:1; 10:1; 11:1; 12:1; 13:1; 14:1; 15:1; 16:1; 17:1; 18:1; 19:1; 20:1; 21:1; 22:1; 23:1; 24:1; 25:1; 26:1; 27:1; 28:1; 29:1; 30:1; 31:1; 32:1; 33:1; 34:1; 35:1; 36:1; 37:1; 38:1; 39:1; 40:1; 41:1; 42:1; 43:1; 44:1; 45:1; 46:1; 47:1; 48:1; 49:1; 50:1; 51:1; 52:1; 53:1; 54:1; 55:1; 56:1; 57:1; 58:1; 59:1; 60:1; 61:1; 62:1; 63:1; 64:1; 65:1; 66:1; 67:1; 68:1; 69:1; 70:1; 71:1; 72:1; 73:1; 74:1; 75:1; 76:1; 77:1; 78:1; 79:1; 80:1; 81:1; 82:1; 83:1; 84:1; 85:1; 86:1; 87:1; 88:1; 89:1; 90:1; 91:1; 92:1; 93:1; 94:1; 95:1; 96:1; 97:1; 98:1; 99:1; 100:1; 101:1; 102:1; 103:1; 104:1; 105:1; 106:1; 107:1; 108:1; 109:1; 110:1; 111:1; 112:1; 113:1; 114:1; 115:1; 116:1; 117:1; 118:1; 119:1; 120:1; 121:1; 122:1; 123:1; 124:1; 125:1; 126:1; 127:1; 128:1; 129:1; 130:1; 131:1; 132:1; 133:1; 134:1; 135:1; 136:1; 137:1; 138:1; 139:1; 140:1; 141:1; 142:1; 143:1; 144:1; 145:1; 146:1; 147:1; 148:1; 149:1; 150:1; 151:1; 152:1; 153:1; 154:1; 155:1; 156:1; 157:1; 158:1; 159:1; 160:1; 161:1; 162:1; 163:1; 164:1; 165:1; 166:1; 167:1; 168:1; 169:1; 170:1; 171:1; 172:1; 173:1; 174:1; 175:1; 176:1; 177:1; 178:1; 179:1; 180:1; 181:1; 182:1; 183:1; 184:1; 185:1; 186:1; 187:1; 188:1; 189:1; 190:1; 191:1; 192:1; 193:1; 194:1; 195:1; 196:1; 197:1; 198:1; 199:1; 200:1; 201:1; 202:1; 203:1; 204:1; 205:1; 206:1; 207:1; 208:1; 209:1; 210:1; 211:1; 212:1; 213:1; 214:1; 215:1; 216:1; 217:1; 218:1; 219:1; 220:1; 221:1; 222:1; 223:1; 224:1; 225:1; 226:1; 227:1; 228:1; 229:1; 230:1; 231:1; 232:1; 233:1; 234:1; 235:1; 236:1; 237:1; 238:1; 239:1; 240:1; 241:1; 242:1; 243:1; 244:1; 245:1; 246:1; 247:1; 248:1; 249:1; 250:1; 251:1; 252:1; 253:1; 254:1; 255:1; 256:1; 257:1; 258:1; 259:1; 260:1; 261:1; 262:1; 263:1; 264:1; 265:1; 266:1; 267:1; 268:1; 269:1; 270:1; 271:1; 272:1; 273:1; 274:1; 275:1; 276:1; 277:1; 278:1; 279:1; 280:1; 281:1; 282:1; 283:1; 284:1; 285:1; 286:1; 287:1; 288:1; 289:1; 290:1; 291:1; 292:1; 293:1; 294:1; 295:1; 296:1; 297:1; 298:1; 299:1; 300:1; 301:1; 302:1; 303:1; 304:1; 305:1; 306:1; 307:1; 308:1; 309:1; 310:1; 311:1; 312:1; 313:1; 314:1; 315:1; 316:1; 317:1; 318:1; 319:1; 320:1; 321:1; 322:1; 323:1; 324:1; 325:1; 326:1; 327:1; 328:1; 329:1; 330:1; 331:1; 332:1; 333:1; 334:1; 335:1; 336:1; 337:1; 338:1; 339:1; 340:1; 341:1; 342:1; 343:1; 344:1; 345:1; 346:1; 347:1; 348:1; 349:1; 350:1; 351:1; 352:1; 353:1; 354:1; 355:1; 356:1; 357:1; 358:1; 359:1; 360:1; 361:1; 362:1; 363:1; 364:1; 365:1; 366:1; 367:1; 368:1; 369:1; 370:1; 371:1; 372:1; 373:1; 374:1; 375:1; 376:1; 377:1; 378:1; 379:1; 380:1; 381:1; 382:1; 383:1; 384:1; 385:1; 386:1; 387:1; 388:1; 389:1; 390:1; 391:1; 392:1; 393:1; 394:1; 395:1; 396:1; 397:1; 398:1; 399:1; 400:1; 401:1; 402:1; 403:1; 404:1; 405:1; 406:1; 407:1; 408:1; 409:1; 410:1; 411:1; 412:1; 413:1; 414:1; 415:1; 416:1; 417:1; 418:1; 419:1; 420:1; 421:1; 422:1; 423:1; 424:1; 425:1; 426:1; 427:1; 428:1; 429:1; 430:1; 431:1; 432:1; 433:1; 434:1; 435:1; 436:1; 437:1; 438:1; 439:1; 440:1; 441:1; 442:1; 443:1; 444:1; 445:1; 446:1; 447:1; 448:1; 449:1; 450:1; 451:1; 452:1; 453:1; 454:1; 455:1; 456:1; 457:1; 458:1; 459:1; 460:1; 461:1; 462:1; 463:1; 464:1; 465:1; 466:1; 467:1; 468:1; 469:1; 470:1; 471:1; 472:1; 473:1; 474:1; 475:1; 476:1; 477:1; 478:1; 479:1; 480:1; 481:1; 482:1; 483:1; 484:1; 485:1; 486:1; 487:1; 488:1; 489:1; 490:1; 491:1; 492:1; 493:1; 494:1; 495:1; 496:1; 497:1; 498:1; 499:1; 500:1; 501:1; 502:1; 503:1; 504:1; 505:1; 506:1; 507:1; 508:1; 509:1; 510:1; 511:1; 512:1; 513:1; 514:1; 515:1; 516:1; 517:1; 518:1; 519:1; 520:1; 521:1; 522:1; 523:1; 524:1; 525:1; 526:1; 527:1; 528:1; 529:1; 530:1; 531:1; 532:1; 533:1; 534:1; 535:1; 536:1; 537:1; 538:1; 539:1; 540:1; 541:1; 542:1; 543:1; 544:1; 545:1; 546:1; 547:1; 548:1; 549:1; 550:1; 551:1; 552:1; 553:1; 554:1; 555:1; 556:1; 557:1; 558:1; 559:1; 550:1; 551:1; 552:1; 553:1; 554:1; 555:1; 556:1; 557:1; 558:1; 559:1; 560:1; 561:1; 562:1; 563:1; 564:1; 565:1; 566:1; 567:1; 568:1; 569:1; 560:1; 561:1; 562:1; 563:1; 564:1; 565:1; 566:1; 567:1; 568:1; 569:1; 570:1; 571:1; 572:1; 573:1; 574:1; 575:1; 576:1; 577:1; 578:1; 579:1; 570:1; 571:1; 572:1; 573:1; 574:1; 575:1; 576:1; 577:1; 578:1; 579:1; 580:1; 581:1; 582:1; 583:1; 584:1; 585:1; 586:1; 587:1; 588:1; 589:1; 580:1; 581:1; 582:1; 583:1; 584:1; 585:1; 586:1; 587:1; 588:1; 589:1; 590:1; 591:1; 592:1; 593:1; 594:1; 595:1; 596:1; 597:1; 598:1; 599:1; 590:1; 591:1; 592:1; 593:1; 594:1; 595:1; 596:1; 597:1; 598:1; 599:1; 600:1; 601:1; 602:1; 603:1; 604:1; 605:1; 606:1; 607:1; 608:1; 609:1; 600:1; 601:1; 602:1; 603:1; 604:1; 605:1; 606:1; 607:1; 608:1; 609:1; 610:1; 611:1; 612:1; 613:1; 614:1; 615:1; 616:1; 617:1; 618:1; 619:1; 610:1; 611:1; 612:1; 613:1; 614:1; 615:1; 616:1; 617:1; 618:1; 619:1; 620:1; 621:1; 622:1; 623:1; 624:1; 625:1; 626:1; 627:1; 628:1; 629:1; 620:1; 621:1; 622:1; 623:1; 624:1; 625:1; 626:1; 627:1; 628:1; 629:1; 630:1; 631:1; 632:1; 633:1; 634:1; 635:1; 636:1; 637:1; 638:1; 639:1; 630:1; 631:1; 632:1; 633:1; 634:1; 635:1; 636:1; 637:1; 638:1; 639:1; 640:1; 641:1; 642:1; 643:1; 644:1; 645:1; 646:1; 647:1; 648:1; 649:1; 640:1; 641:1; 642:1; 643:1; 644:1; 645:1; 646:1; 647:1; 648:1; 649:1; 650:1; 651:1; 652:1; 653:1; 654:1; 655:1; 656:1; 657:1; 658:1; 659:1; 650:1; 651:1; 652:1; 653:1; 654:1; 655:1; 656:1; 657:1; 658:1; 659:1; 660:1; 661:1; 662:1; 663:1; 664:1; 665:1; 666:1; 667:1; 668:1; 669:1; 660:1; 661:1; 662:1; 663:1; 664:1; 665:1; 666:1; 667:1; 668:1; 669:1; 670:1; 671:1; 672:1; 673:1; 674:1; 675:1;		

32:12			
Colon - 37:11; 42:6, 12	████████ - 66:17	28:23; 30:10; 31:15; 87:25; 90:14; 93:6, 10	Dr - 46:11; 75:14, 22, 25; 76:5, 9, 22; 77:18
coming - 25:21; 28:2; 62:4; 63:17	████████ - 12:14; 14:7; 15:6; 62:23; 90:13; 91:10, 25; 93:4; 94:10; 96:17	deposition - 3:9, 14; 5:4; 12:5; 14:4; 60:17; 80:23; 81:6; 92:12; 98:10	expired - 42:11, 24; 43:18
comments - 13:13, 17:7	cost - 57:2, 11	DEPUTY - 1:8	explanation - 11:15
commission - 14:10	costs - 5:6, 9	describe - 10:11; 60:6	expose - 62:23
COMMISSIONER - 1:7	Coughlin - 5:6	described - 76:3; 91:11	expresses - 34:2
Commissioner - 92:4	COUGHLIN - 2:11	Description - 99:5	extent - 71:22, 24; 81:4
commissioner - 52:16	counsel - 23:6; 26:16; 27:8, 15, 21; 28:6; 37:10, 20; 47:7; 49:2; 51:11, 19; 67:6; 87:3	desk - 93:22	F
communications - 25:5; 34:6	Counsel - 1:14	destroyed - 82:10	F'ing - 94:22
community - 66:14; 69:2; 70:20	counseling - 36:7, 16, 24; 37:25; 56:24; 57:13	detail - 53:22; 82:4	fact - 11:14
Comp - 47:19; 71:24; 74:3	counter - 6:5	details - 35:25; 40:3; 79:12; 85:15; 91:15, 21, 23; 96:10	failed - 43:16
company - 20:11, 14, 23; 29:2; 35:8; 58:12	COUNTY - 98:5	detective - 11:5; 53:16; 85:9; 86:14	fair - 5:12, 24; 88:17
compensation - 53:15	County - 54:18	Detective - 12:8; 14:3; 48:10; 79:20; 80:3, 16, 83:21; 87:10; 88:4; 90:20	fairly - 22:17
Compensation - 72:5	course - 22:22, 25; 89:8	died - 86:21	familiar - 17:19; 18:20; 19:10; 21:3; 26:8; 31:24
competition - 82:13	COURT - 1:2	diet - 62:17	family - 56:5, 16, 20, 57:7; 68:22; 75:10
complained - 12:23; 13:7; 23:24; 41:4	court - 71:12; 72:10	different - 34:9; 43:15; 57:10	far - 25:23; 56:10; 73:4; 74:8
complaint - 16:22; 22:23; 94:25; 95:4, 21; 96:11	Court - 1:19	dirty - 68:7; 81:19	father - 68:25
Complaint - 6:21; 11:10; 18:13, 24; 22:2; 33:7; 38:22; 46:22; 79:16, 18; 86:11; 87:6; 89:11	cover - 11:22	Disability - 18:4, 8, 10, 14, 20, 24; 19:11, 13; 20:5, 16, 20, 24; 21:17; 22:3, 19; 23:13, 16:17, 21; 24:3, 12, 17; 25:6, 20; 28:9; 29:3; 30:14, 22; 31:4, 7, 19; 32:10, 15, 33:22; 37:23; 44:9, 14, 23; 45:12, 22; 46:5, 15; 51:2; 59:22; 64:23; 65:23; 66:9	favoritism - 62:24; 66:18
complaints - 59:14	covered - 41:3, 5; 95:8	disagreement - 31:14	February - 33:17
compiled - 19:23	covering - 11:23	discharged - 61:2, 19, 25	federal - 23:11
comply - 20:7	crazy - 57:8	disciplinary - 96:14	fees - 74:8
Con - 9:8; 53:22	credentials - 70:8, 10	disclosed - 58:24	Fegan - 7:25; 8:4, 10, 18, 22; 9:18; 11:2; 12:6; 14:3, 19; 82:12; 84:17, 19; 85:8, 21; 87:7; 89:16, 18, 21, 25; 90:20
conceal - 83:23	cross - 82:16	discontinued - 47:13, 16	felt - 59:24; 62:5
concerned - 48:24; 74:9	cry - 56:17	discrimination - 6:24; 7:5; 11:11; 24:11	female - 9:22
concerning - 37:21	current - 43:3; 44:10, 14, 17; 74:25; 75:3, 85:10	discuss - 29:25	few - 48:23; 57:22; 58:16; 95:18
concluded - 96:25	customized - 19:19; 33:18, 20, 25; 34:5, 8	discussed - 41:14; 68:5; 89:21; 90:13; 92:2	FF - 4:16; 24:20; 25:11; 99:9
condescending - 13:2	D	discussing - 86:19; 91:24	figure - 79:13
condition - 73:8, 18	D-A-V-E - 75:19	discussion - 77:13; 84:18, 21; 86:4; 87:2; 88:15	figures - 65:17
conditions - 32:5	Daddy - 64:16	disease - 60:24; 62:8	file - 24:10; 31:6, 17, 22; 32:6, 18; 36:5, 8; 67:8
condoning - 90:21	damage - 71:2	disgusting - 59:25; 60:3	filed - 45:18; 74:12
conduct - 90:3	damages - 53:13; 55:13, 18; 68:11, 14; 74:7	dispatcher - 51:20	filling - 3:9
conducting - 83:19	damaging - 55:24	Dispatcher - 51:21	fill - 19:14
confidential - 34:25; 82:22; 83:4, 6, 25; 84:3	dangerous - 88:21, 23; 89:4, 6	display - 39:10	filled - 98:12
confirmed - 24:6; 30:17	date - 25:2; 7, 34:20, 23; 60:14; 71:4; 91:3	dispute - 43:22	finety - 47:3, 8
confused - 27:14; 66:21	dated - 99:7	DISTRICT - 1:2	entity - 23:10; 26:8
connection - 71:18; 87:6	dates - 29:14	division - 10:18, 21; 51:18	entrance - 85:22
consented - 28:24	Dave - 67:22; 75:14, 22, 25; 76:5, 9, 22; 77:18	Dobbo - 1:25; 4:6	ERRATA - 100:2
constantly - 45:3	dead - 13:4	DOBBO - 98:7, 21	escalated - 90:10
consulted - 30:22	dealing - 89:2	doctor - 19:15, 23; 21:13; 22:10, 15; 26:9; 45:6; 47:10; 62:9; 75:8, 10-12; 76:13, 17, 19-20; 77:15; 78:16, 24	especially - 33:25; 59:22; 70:3, 5
contact - 46:12, 15	death - 87:16, 25	doctor's - 45:7, 9, 16; 46:8, 11-12; 59:23; 75:13	Fisher - 42:8, 20, 22; 43:14, 16; 67:16; 68:5
contacted - 20:20; 21:2; 48:22; 50:10, 51:4, 21; 58:6	December - 88:6	doctors - 19:14; 22:13; 45:24; 61:9; 76:24; 77:4, 6, 10, 78:12, 21	flagged - 13:4
contacting - 20:19	Defendant's - 4:9, 12, 15, 16, 21, 24; 92:16, 99:5	document - 17:18, 24; 18:2; 20:3, 8, 10, 15; 21:11, 15, 20; 35:13; 92:6	flu - 77:23; 78:14, 17
continue - 87:8	Defendants - 1:13, 2:11	documentation - 19:19, 26:3, 68:17; 92:15	follow - 76:13, 17, 19; 78:22
continued - 27:5	definitely - 84:12	documents - 26:13, 23; 27:10, 20; 34:21; 35:2; 92:21, 23	follow-up - 76:13, 17, 19; 78:22
contract - 31:3, 17, 32:5, 9, 15; 35:7	degree - 77:10	dog - 34:3, 11	following - 22:12; 100:2
contractual - 31:3	delay - 72:17	done - 14:3; 50:2; 67:19; 76:15, 86:23; 90:17; 95:22; 96:13	follows - 4:7
conversation - 12:5; 14:19; 21:23; 41:11; 86:7, 90:12; 91:13	delayed - 71:25	door - 35:17, 23; 63:22, 24; 64:16-18, 69:3	FOR - 100:7, 9, 11, 13, 15, 17, 19
conversations - 27:6, 32:25, 41:24; 42:4; 49:11; 58:18, 20, 22	deleted - 50:5, 51:3	doorbell - 64:2, 19	force - 3:12; 9:13
cop - 8:6, 64:9, 70:12	deletions - 100:3	down - 19:24; 25:24; 45:20; 60:12; 62:17, 65:10, 12, 67:24; 72:13; 80:21; 91:21	forced - 25:19; 26:3
copies - 27:9, 11, 16	demoted - 64:25; 65:11	exists - 93:5	forget - 23:15; 75:14
cops - 69:8	denial - 71:19	expansive - 78:4	forgot - 9:21; 51:20; 86:2
copy - 50:19; 59:7; 80:22	department - 7:3, 9, 17, 9:11; 10:15, 11:17, 20; 12:22; 13:17; 15:6, 16, 22:4; 23:7-9, 19; 24:9, 31:16; 32:24; 35:5, 37:22; 41:25; 42:3, 51:2; 54:25; 56:2; 62:25; 70:9, 89:3; 91:25	expect - 65:14	form - 3:19; 28:19; 36:25; 44:12; 46:17; 83:11; 92:18; 95:22; 96:11
Corporate - 2:12	Department - 7:11; 8:16; 10:17; 12:11; 22:23; 27:4	expected - 66:4	forms - 19:12, 20; 33:19, 24; 34:8
Corporation - 1:14		expeditious - 54:23	forth - 91:11; 93:7; 98:10
correct - 6:19, 25; 17:12; 18:7; 21:19, 30:15; 32:7; 38:14; 52:6, 21; 53:16, 23; 54:10; 59:12, 65:24; 71:7, 9; 73:16, 80:3; 90:24; 91:6, 12; 92:22		expense - 57:14	frame - 36:13
corrections - 100:2		expensive - 58:8, 15	Francis - 2:18; 35:19; 63:23, 25
correctly - 79:25		experience - 11:21; 68:21, 69:25; 70:2, 9, 88:22; 89:7	free - 6:10
correspond - 82:24; 83:7			frequent - 63:11
████████ - 66:23; 67:12			front - 15:20; 57:7

G	HEREBY - 3:6 hereby - 9:8 herein - 3:8 hereinbefore - 9:10 hereunto - 9:17 herself - 20:21 hesitant - 8:5 HH - 4:22; 99:11 high - 70:22 higher - 15:2 HIPAA - 19:19; 34:8 hire - 8:5, 18 HIS - 1:8-10, 12 history - 11:23 hit - 62:17 Hollow - 37:13 home - 25:22; 35:18; 56:3; 63:18; 64:4, 6; 69:3 homes - 8:30 honorary - 5:215 hoping - 8:15 hospital - 60:11, 20; 61:3; 76:11; 78:21 Hospital - 61:4; 62:12 hour - 58:9 house - 35:16, 24; 63:25 human - 13:7; 14:10; 68:25; 90:4, 6, 11; 92:17 hurts - 72:20 husband - 68:25; 94:17, 20 Hutchings - 9:9	injuries - 19:17; 26:25; 27:2; 28:16; 29:11, 15; 71:5; 77:3; 78:3 injury - 6:15, 17; 11:9; 18:17; 22:6; 25:7; 28:11; 29:5, 18; 23:30; 44:17, 19; 71:20; 72:2; 75:5; 76:2, 24; 78:2 instance - 11:24 instances - 7:19; 13:6; 93:9 insurance - 57:15, 19, 21, 24; 58:5, 12 interaction - 44:13; 45:12 interest - 37:11, 16 interested - 98:14 Internal - 35:15; 63:17; 92:2; 95:2 interrogatories - 68:18 intervention - 14:11 intimidate - 22:5; 55:2 intimidating - 22:21 intimidation - 16:2; 64:7 invaluable - 70:10 investigation - 23:5, 12; 90:16; 91:16; 92:8 involve - 40:20 involved - 38:25; 40:19; 86:9; 87:25; 88:18; 89:19; 96:6 IS - 3:6, 17 ism's - 62:25 isolation - 60:22, 25; 62:4 issue - 50:24; 71:24; 77:16 issues - 11:19; 13:5, 11; 15:6, 15:31; 20:32; 32:4; 37:21; 56:24; 59:16; 60:7 IT - 3:6, 17 item - 82:20 itself - 11:22; 13:17 IV - 61:15	L	magically - 4:21 Main - 1:24 major - 57:15, 18, 20; 62:3; 67:16 male - 9:22; 10:12; 39:2; 40:2, 4 man - 61:10 Management - 18:5, 10, 15, 21, 25; 19:11, 13; 20:5, 16, 20, 24; 21:18; 22:3, 20; 23:13, 16-17, 22; 24:3, 12, 17; 25:6, 20; 28:9; 29:3; 30:14, 22; 31:5, 7, 19; 32:10, 16; 33:23, 37:23; 44:9, 14, 23; 45:13, 23; 46:5, 15, 51:2; 59:22; 64:23; 65:23; 66:10 management - 13:7; 42:17 manager - 20:21 manner - 13:2; 54:23 mark - 4:8 marked - 4:10, 13, 16, 19, 22, 25; 17:15; 21:8; 24:20; 38:2 marriage - 98:14 Marvin - 67:23 masks - 62:5 material - 19:9, 67:4 matter - 15:25; 74:13; 98:15; 100:4 matters - 46:21 mayor - 13:9; 14:12; 16:25; 17:8; 42:25; 45:19; 48:8; 65:2, 5, 9; 91:17 mayor's - 17:3 McEachin - 43:11 mean - 14:25; 55:20; 62:21; 69:14; 75:3; 77:6, 9, 22; 83:11 meaning - 21:22; 55:21; 63:6; 83:17 means - 70:12 mediation - 22:24; 23:3, 7 medical - 19:13, 16; 29:8; 33:10; 34:3, 10, 16; 44:15, 25; 46:13; 54:17; 55:6; 57:15, 18, 21; 58:4; 73:10; 77:10; 78:19 medication - 28:2; 61:15 medications - 6:2 meet - 21:13; 26:18; 28:3; 48:25 meeting - 13:13; 25:19; 33:16; 34:22; 51:10, 16, 18; 91:17 meetings - 9:29 members - 13:15; 23:17; 43:19 memory - 10:7; 25:17; 49:20; 82:6 meningitis - 61:12 mental - 61:6; 64:7 mentioned - 8:14; 12:5; 15:18; 29:15, 17; 52:4; 63:10; 78:3, 13, 81:9; 96:17 messages - 45:4; 48:25 met - 13:10; 26:21 mice - 34:3, 11 MICHAEL - 1:10 Michael - 9:8 mid - 90:25; 91:2 MIKE - 1:4 minute - 79:3 mis - 37:13 misconduct - 11:16; 12:7, 10, 12, 16; 14:7; 89:10, 14, 18, 25; 90:19; 91:5 misguided - 37:14 misinforming - 33:2 misleading - 37:8 misuse - 41:24 Mitchell - 52:8, 11, 14, 20 mixed - 70:20 modification - 95:8 modified - 95:6, 96:15				
H	half - 5:6 Half - 9:4 hand - 28:17; 29:2; 35:9, 17:17 Handed - 9:213 handed - 17:16; 21:10, 12, 21; 24:22; 26:23; 35:11; 38:4; 92:19 handicapped - 15:19 handing - 9:211 hang - 56:12 harass - 12:20; 22:4; 45:4; 55:2 harassing - 17:6; 18:15; 22:20; 44:22 harassment - 6:24; 7:2, 4; 11:11; 12:17; 23:12, 18, 24; 37:22; 42:2; 54:16; 56:3, 13; 63:3; 64:7, 23-24; 90:10 hard - 25:16; 35:22; 55:23; 56:15 head - 67:16 headache - 60:13, 21 headaches - 60:9, 61:11; 62:13; 63:10 health - 57:19, 61:7; 66:3; 76:17 healthy - 61:10 heard - 20:11; 49:4; 52:13, 16; 53:7 HELD - 1:14 held - 1:19; 77:14; 80:21; 86:5; 88:16; 100:4 hell - 65:13 help - 57:9 helpful - 84:15	idea - 31:11 Identification - 4:11, 14, 17, 20, 23; 5:2; 92:17 identified - 11:19; 13:10, 12; 20:21; 31:20; 92:12 identifying - 7:8 identity - 8:123 II - 4:25; 38:2; 99:12 illegal - 42:21; 23; 43:22; 90:21 illegally - 4:29 improper - 32:18 IN - 1:8-10, 12; 98:16 inability - 11:21 inaccurate - 36:2 inaugurated - 65:5 Inc - 1:23 incident - 15:17; 16:3, 8-9, 14; 38:23; 39:9, 17; 40:9; 41:8; 82:17; 84:8; 86:10; 96:12 incidents - 82:24; 83:8, 85:13 incompetent - 67:17 increase - 23:19 indicate - 31:2; 88:3 indicated - 28:7, 30:11, 16, 20; 36:17; 79:19 indicating - 20:4, 9 individual - 32:2; 40:14, 21; 69:6; 94:15 INDIVIDUALLY - 1:8 individuals - 20:13; 50:10; 80:6, 85:25 infectious - 62:8 informant - 83:6, 17, 25; 84:3 informants - 82:23; 83:5 information - 18:6; 21:4; 22:11; 26:13; 34:19, 35:4; 37:13; 39:7; 53:2; 79:14; 81:8, 25; 83:13; 84:4, 11; 86:8; 96:8 informed - 33:24 initial - 19:4; 62:11 initials - 82:23; 83:6 injured - 6:18; 19:25; 25:29; 30:3, 5, 54:3, 19	J	Jerome - 39:13; 40:22; 41:12, 14; 48:9, 20; 50:2; 51:5; 52:3, 24; 95:20; 96:9 Jill - 20:19; 23:14; 25:19, 23; 26:21, 24; 27:7; 28:4, 8; 33:16; 34:22 job - 8:15; 9:19; 12:20; 13:21; 28:19; 63:15; 66:9; 70:15 jobs - 8:3 Jill - 23:23; 24:6, 10 Jose - 37:11, 14; 42:6, 12 Judy - 14:8, 18; 90:3, 6, 11; 91:5, 8, 12, 20; 92:22; 93:7 July - 54:2 Justice - 22:23	K	keep - 7:11, 13, 15, 18; 11:16; 25:16; 56:11; 82:12 kicked - 9:13; 13:14 kids - 56:4 kind - 45:20, 72:13; 79:9 knee - 6:18; 11:9; 29:5; 30:4; 43:25; 59:12; 72:20 knock - 69:3 knocking - 63:22, 24 knowing - 56:8 knowledge - 41:7; 85:11 known - 12:19, 21, 25; 64:13; 67:23 knows - 12:22; 77:24; 86:16	M	Maddalo - 75:8 Maddalo's - 46:11

<p>moment - 36:10 money - 56:10; 57:3, 11; 79:20, 22; 80:15; 81:12, 14; 82:24; 83:8, 12, 14, 22 month - 28:20; 44:6; 54:5; 84:24; 85:2 months - 47:11; 48:2 ████████ 23:23 ████████ 24:6, 10 most - 56:20; 57:24; 58:5 MOUNT - 1:7 Mount - 1:15; 4:4; 7:10; 8:16; 10:17; 12:10; 27:3; 28:22; 30:9; 31:14; 54:20; 57:16; 66:13; 67:18; 70:6, 12, 19; 74:17; 87:24; 88:19; 90:13; 93:6, 10 mouth - 7:12, 14-15, 18; 12:15 move - 70:21 moved - 70:18 moving - 7:16, 19 MR - 4:8; 5:17; 8:25; 12:13; 14:23; 19:6; 25:9; 32:11; 41:17; 44:4, 19; 47:4; 48:18; 50:15; 52:12; 53:18; 59:8; 71:10, 15; 72:6, 11; 73:13, 17, 22; 74:10, 16; 77:12; 78:18; 79:2; 80:8, 13, 81:2; 83:16; 84:10; 85:18; 86:3, 6; 88:14; 96:22 MRI - 77:20 MRI's - 77:4 MRSA - 61:12 MS - 19:4; 22:7; 33:13; 34:14; 44:11; 46:16; 47:2; 49:14; 59:4; 66:25; 68:16; 71:8, 11, 17; 72:8, 24; 73:15, 21; 74:5; 75:16; 77:22; 80:18; 81:3; 83:10; 86:23; 25; 88:10 multiple - 35:16; 41:23; 42:4; 85:22 MURASHEA - 1:4, 19; 4:2; 97:5; 98:9; 100:21 murder - 67:18 MV-5 - 27:18, 21</p>	<p>NEW - 1:2, 7; 98:4 New - 1:15, 20, 24; 2:8, 13; 4:4; 75:14; 98:8 next - 64:8; 65:19 night - 16:9 nine - 47:10 nobody - 67:21; 69:24 Nobody - 69:25 nobodys - 69:11 non - 10:2, 12 none - 63:5 normally - 95:2 Notary - 1:20; 4:6; 97:12; 98:7; 100:24 noted - 100:3 nothing - 14:13; 26:7; 30:12, 20; 67:19; 68:9; 91:18; 95:22; 96:13 Notice - 7:12; 14 notification - 21:17 November - 1:16; 65:7; 98:17 Number - 34:19, 24; 99:5 number - 43:8; 82:17; 84:9 numerous - 83:18 nurse - 20:22 nutshell - 34:2</p>	<p>open - 90:15; 91:16; 92:8 openly - 89:13 opinion - 8:10; 73:10 opportunities - 53:22 opportunity - 5:15; 28:5; 54:18; 55:3 order - 94:12 Order - 1:19 ordered - 26:2, 18; 27:24 orthopedic - 59:11, 15; 74:25; 76:22; 77:17 ostracized - 58:14 otherwise - 5:22 ourselves - 82:14 outcome - 98:14 outlined - 89:10 outside - 8:16; 72:3 over-the-counter - 6:5 overall - 69:6 Overhill - 2:7 overtime - 53:21; 54:9, 12 overwhelming - 62:15; 68:21 own - 31:22; 32:6; 37:9; 45:6; 59:25; 60:2</p>	<p>P</p> <p>p.m - 1:16; 79:8; 96:25 Page - 99:5 PAGE - 99:3 page - 99:17 Page Line SHOULD - 100:6, 8, 10, 12, 14, 16, 18 pain - 27:23; 25; 73:24 painful - 69:23 painkillers - 6:5 paper - 90:15 paragraph - 22:8; 79:15; 83:18 Paragraph - 6:21; 11:8; 22:18; 33:7; 38:22; 79:18, 23; 86:10; 87:4 Paragraphs - 18:13, 23; 89:11 pardon - 57:17 part - 26:5; 72:22; 74:3 partially - 47:13, 15 particular - 17:7; 38:10; 82:20; 84:8; 86:2, 17 parties - 3:8; 98:13 partly - 11:14 parts - 29:20 party - 23:10; 40:5 pass - 87:19 passed - 42:10; 86:20; 87:12, 20; 88:6 past - 12:7; 46:9; 53:5 patrol - 10:23, 25; 11:5; 51:17 Patterson - 51:7, 25; 52:5; 53:3, 7 PAUL - 1:11; 2:13 Paul - 5:5 pay - 47:17; 58:2, 10; 70:23 PBA - 35:5; 37:3, 11, 15, 17, 20; 42:6, 12; 43:19 Pearl - 20:25 penalized - 13:18 pending - 6:10 People - 48:23 people - 7:20, 23; 12:20; 41:25; 42:2; 43:19, 48:22; 49:21; 62:4; 67:13, 20; 69:3, 21; 70:5; 85:5 performance - 8:9 perhaps - 33:23; 41:23; 48:2; 49:23; 73:19; 76:6; 82:10 period - 54:2 person - 13:3; 57:9; 63:22;</p>	<p>65:15; 67:25; 68:24; 69:2; 70:3; 80:16; 81:9, 14 personal - 18:16; 21:5; 22:5; 26:10, 12; 34:18; 35:3; 45:5; 50:3; 55:25; 76:13, 20; 78:24; 83:14 personally - 86:15 pertained - 42:19 pertaining - 25:8, 14; 29:4, 9; 37:21; 50:24; 77:3 phone - 23:14; 26:17; 44:22; 45:21; 50:3, 17; 57:22; 64:22; 65:22; 78:10; 99:17 physical - 22:13; 26:20; 27:19; 47:24; 48:5; 71:5, 19; 73:6, 8, 11, 18, 24; 77:9, 23 physically - 39:4 physician - 59:11; 73:4; 77:17 physicians - 74:24; 77:8, 19 pick - 84:19 piece - 8:5, 19 place - 1:20; 40:9 placed - 40:5; 95:7 places - 33:8 Plains - 1:24 Plaintiff - 1:5, 19, 2:6 players - 67:14; 68:9 PLLC - 2:6 pocket - 79:23; 83:23 Podges - 12:19; 15:17; 16:11, 15 Podges' - 16:18 point - 17:13; 29:16; 33:2, 6; 37:7; 47:20; 48:4; 52:17; 76:14; 96:20 police - 7:9; 9:12; 10:14; 11:17; 15:4, 7, 9, 19; 16:18; 26:4, 11; 37:22; 50:25; 54:19, 24, 56:2; 68:24; 69:8, 70:3; 82:21; 89:3, 95:16 Police - 7:10; 8:16; 10:17; 12:11; 16:10; 27:4; 28:22; 30:9, 31:15; 87:25; 90:14; 93:6, 10 portion - 47:5 portions - 47:3 positive - 66:6 possession - 34:21 possible - 65:15, 18; 96:20 Post - 2:7, 12 potential - 55:4 Poughkeepsie - 61:5 power - 12:2; 16:2; 56:11; 64:14; 65:17, 21; 66:18; 67:20; 93:12 powers - 11:25 practice - 32:19; 75:9 predicament - 62:22 prepared - 66:12 presence - 13:4; 16:14 present - 16:9, 26:22; 35:20; 80:7; 83:25 president - 20:25, 30:17; 31:10, 21; 37:3; 42:6, 12 pretty - 67:6 prevent - 6:3 prevented - 71:21 previous - 81:19 previously - 71:12; 86:19 primary - 76:23; 78:15 prison - 35:24; 63:24 private - 22:15 privilege - 94:8 problem - 12:24; 13:15, 17; 32:3, 70:19 procedure - 95:3 proceeds - 90:23 process - 37:6 produced - 50:18; 99:18</p>	<p>Production - 99:17 professional - 55:17; 56:23 professionals - 58:5; 61:7 prognosis - 73:4 promoted - 30:24; 37:12; 42:9, 11, 24; 43:5, 18, 52:14 promotion - 42:19, 21; 43:22 property - 83:15 protect - 56:21 protected - 12:23; 95:23 provide - 18:4; 36:21; 59:6 provided - 36:13; 40:25; 50:8; 52:23, 25; 53:19; 68:18; 71:4; 86:8 providers - 58:13 Public - 1:20; 4:6; 97:12; 98:7, 100:24 pulled - 85:13 punitive - 74:7 pursuant - 1:19 pursue - 23:4 push - 82:14 pushing - 84:22 put - 12:14; 67:5, 9; 79:22; 81:13, 17; 82:15, 19; 91:14, 21; 92:6 puts - 70:4</p>	<p>Q</p> <p>questioning - 28:16 questions - 18:16; 21:6; 22:6; 26:11, 24; 27:6; 28:10; 29:10; 72:14; 79:10; 96:23 quiet - 11:16 quite - 9:25 quota - 84:24</p>	<p>R</p> <p>race - 7:6; 11:13; 22:21 racial - 24:11; 39:10 racism - 62:24; 66:18; 93:11 racist - 12:22; 13:12; 17:7; 39:3, 22; 40:13, 16; 66:24; 67:12, 22; 68:2 radiologist - 77:20 rather - 63:5; 69:10 RAYNOR - 1:7 reach - 56:7 reached - 55:21; 86:15 READ - 100:6, 8, 10, 12, 14, 16, 18 read - 19:6, 8; 24:25; 67:2 real - 70:7 realized - 43:17; 81:15, 17 really - 17:20; 29:16; 33:4; 38:21; 44:23; 56:15; 64:2, 71:3; 77:18, 25; 87:18 realm - 72:4 reason - 63:20; 68:5; 76:8; 78:13, 16; 85:6 REASON - 100:7, 9, 11, 13, 15, 17, 19 rebuttal - 36:12, 14, 18, 22 receive - 45:21 received - 8:8, 21; 9:17; 20:10; 24:8, 25:12; 26:17; 27:3, 34:6; 38:6; 47:12, 20; 50:25; 51:7; 55:6 receiving - 35:14, 24; 36:7, 37:24; 38:18; 47:18, 24 recently - 46:9, 52:14, 19; 53:5, 62:7 recess - 79:3, 5 recognize - 21:9, 25:10 recollection - 40:2; 96:8 record - 34:4; 49:10; 53:9, 11;</p>
<p>never - 13:18; 20:11; 26:16; 28:15, 24; 36:3, 20, 37:5; 45:8, 60:4, 92:10; 95:7, 96:13 new - 20:12; 43:9; 45:19; 48:8; 65:2, 5, 9; 73:14</p>	<p>once - 13:3, 24; 43:17; 46:19; 61:18; 23; 62:2; 63:12; 80:4 one - 9:4; 11:3; 12:5; 17:2; 18:22; 25:25; 28:16; 38:11; 43:8, 47:12; 64:18; 75:4, 7; 80:2; 82:4, 20; 85:6; 88:6, 9, 13; 95:19; 96:9 One - 36:10</p>	<p>openly - 89:13 opinion - 8:10; 73:10 opportunities - 53:22 opportunity - 5:15; 28:5; 54:18; 55:3 order - 94:12 Order - 1:19 ordered - 26:2, 18; 27:24 orthopedic - 59:11, 15; 74:25; 76:22; 77:17 ostracized - 58:14 otherwise - 5:22 ourselves - 82:14 outcome - 98:14 outlined - 89:10 outside - 8:16; 72:3 over-the-counter - 6:5 overall - 69:6 Overhill - 2:7 overtime - 53:21; 54:9, 12 overwhelming - 62:15; 68:21 own - 31:22; 32:6; 37:9; 45:6; 59:25; 60:2</p>	<p>openly - 89:13 opinion - 8:10; 73:10 opportunities - 53:22 opportunity - 5:15; 28:5; 54:18; 55:3 order - 94:12 Order - 1:19 ordered - 26:2, 18; 27:24 orthopedic - 59:11, 15; 74:25; 76:22; 77:17 ostracized - 58:14 otherwise - 5:22 ourselves - 82:14 outcome - 98:14 outlined - 89:10 outside - 8:16; 72:3 over-the-counter - 6:5 overall - 69:6 Overhill - 2:7 overtime - 53:21; 54:9, 12 overwhelming - 62:15; 68:21 own - 31:22; 32:6; 37:9; 45:6; 59:25; 60:2</p>	<p>openly - 89:13 opinion - 8:10; 73:10 opportunities - 53:22 opportunity - 5:15; 28:5; 54:18; 55:3 order - 94:12 Order - 1:19 ordered - 26:2, 18; 27:24 orthopedic - 59:11, 15; 74:25; 76:22; 77:17 ostracized - 58:14 otherwise - 5:22 ourselves - 82:14 outcome - 98:14 outlined - 89:10 outside - 8:16; 72:3 over-the-counter - 6:5 overall - 69:6 Overhill - 2:7 overtime - 53:21; 54:9, 1</p>			

71:14; 74:6; 77:12, 14; 79:17; 84:14; 86:3, 5, 7; 87:2; 88:9, 14, 16; 98:11	requirement - 31:18 reserved - 3:19 resigned - 24:7 resource - 14:10 resources - 13:8; 80:4, 7, 12; 92:17 respect - 11:8; 32:4; 93:5 respective - 3:8 respond - 36:3 responded - 79:11 response - 11:13; 28:7; 36:9, 13, 21; 40:6; 56:22; 61:20; 87:23; 90:18 result - 43:4; 54:24; 73:25; 83:12 results - 61:24; 62:2, 7; 69:15 resume - 48:5 resumed - 79:6 resumption - 5:4 retain - 90:22 retaliated - 9:14; 11:24 retaliation - 6:24; 7:4; 8:11; 9:6; 11:11; 71:13, 18 retired - 15:19; 16:10 return - 71:25; 72:18 returned - 55:7 returning - 71:21 RICHARD - 1:9 Richards - 51:21; 53:11 ring - 64:2, 19 Road - 2:7 ROBERT - 1:11 Rochelle - 75:15 rock - 58:4 room - 27:12; 62:5 Roosevelt - 1:15; 4:3 rough - 56:20; 66:8, 10; 69:6 roughed - 39:4, 25; 40:4, 13 roughing - 40:18 rules - 5:10; 26:9 run - 31:13; 66:15, 20; 70:16	sent - 36:9, 14, 17; 37:19 September - 6:17; 28:20; 30:4; 54:3 sergeant - 12:18; 14:5, 18; 37:12; 42:9, 52:10; 66:4 Sergeant - 7:25; 8:4, 10, 18, 22; 9:18; 11:2; 12:6, 19; 14:2, 19; 15:17; 16:11, 15, 17; 22:25; 42:6; 43:10; 52:8, 13; 64:10; 84:17; 85:8, 21; 89:16, 18, 21, 25; 90:20 SERGEANT - 1:11 sergeants - 15:11; 42:10; 66:6 serious - 60:13 serves - 40:10 SERVICE - 1:23 service - 40:5 session - 22:24 set - 91:11, 17; 93:7; 98:10, 17 seven - 48:2 Sexton - 43:12 SHEET - 100:2 shit - 8:6, 19 shoot - 94:20; 95:4 Shorthand - 98:7 SHORTHAND - 98:22 shortly - 13:20; 78:23 shot - 66:13; 70:6; 77:23; 78:14, 17 show - 17:14; 21:7; 24:19; 37:25; 45:7; 92:16 showed - 59:23 showing - 35:16 shown - 37:10 shut - 7:12, 14-15, 18 sign - 19:12; 26:3, 14, 24; 27:13, 20 signed - 3:10, 13; 42:7, 12, 15; 43:20; 45:8 signing - 20:8; 27:15 similar - 17:25 sit - 22:14 situation - 63:14; 65:15 six - 26:23; 48:2; 54:6 Sleepy - 37:13 Social - 34:19, 24 sold - 85:23 someone - 14:25; 63:25; 94:4; 95:3 sometime - 19:21; 20:18; 44:6; 87:13; 90:25; 91:5; 95:12 sometimes - 69:15, 21; 93:16 somewhat - 73:19 somewhere - 69:11 son - 35:17; 56:2; 63:18; 64:15 soon - 73:14 sorry - 18:9, 18; 24:25; 91:2 sought - 56:23 SOUTHERN - 1:2 space - 58:7 speaking - 7:8; 12:25; 16:7; 44:2; 45:23; 93:22 specialist - 76:23; 78:15 specials - 68:12 specific - 80:5, 25; 96:10 spell - 75:17 Sperling - 46:3 spine - 61:13 spoken - 7:21; 8:4, 14:20; 15:4, 14; 24:6; 26:2; 51:14; 52:18 spouse - 94:20, 24; 96:5, 12 squad - 12:24; 13:14 Square - 1:15, 4:4 ss - 98:4 stand - 62:23; 69:20 standing - 62:25 start - 25:4 started - 13:24; 23:11, 18;	T
71:14; 74:6; 77:12, 14; 79:17; 84:14; 86:3, 5, 7; 87:2; 88:9, 14, 16; 98:11	task - 9:13 taxes - 70:21, 24 team - 23:17 tedious - 23:14 ten - 36:18 terminated - 46:23, 25; 47:14, 22 terms - 29:20; 32:4; 53:13; 57:14; 63:9; 68:11; 71:2; 72:19; 74:23; 78:12; 94:10 TERRANCE - 1:7 test - 42:11; 43:17; 66:7, 11 testified - 4:7; 14:4 testifying - 6:3 testimony - 80:19; 98:11; 100:3 THE - 5:14; 8:11, 23; 12:12; 14:22; 25; 18:8, 19:2; 24:23; 25:15; 30:5; 31:24; 32:8, 14; 35:12; 36:10; 38:5; 41:16; 44:2, 16; 45:15; 48:13, 15; 52:10; 57:17; 74:14, 18; 75:3, 18; 78:17; 80:7, 11; 83:2, 24; 84:7; 85:16; 86:13; 87:13; 88:8, 12, 23, 89:15; 90:5 therapist - 78:7 therapists - 57:23; 77:9 therapy - 22:13; 26:20; 27:19; 28:2; 47:11, 18, 20, 24:25; 48:3, 5; 56:8; 71:19; 73:6, 11 thereof - 47:5 they've - 46:7; 60:4 third - 23:10 third-party - 23:10 this____day - 97:6; 100:22 threaten - 95:4 threatened - 94:20 three - 42:10; 43:2 thumb - 50:12 timeframe - 10:3; 13:19; 14:6, 14; 17:5; 39:11 Tiwana - 53:11 today - 6:3; 17:24 together - 10:23, 25; 15:5 Tommy - 93:22 took - 6:4; 15:25; 16:16; 20:14; 23:4, 40:9; 60:25; 66:6; 79:20 tough - 68:22 trade - 88:19 transcript - 80:23; 100:3 transfer - 7:16; 8:15; 22:12; 69:11 transferred - 50:7, 11 transitioning - 67:15 traveled - 62:6 treated - 32:4; 55:16; 59:10; 60:2, 61:6; 75:25; 76:5, 23 treating - 74:23, 25; 76:21; 77:8, 17 treatment - 9:11; 24:8; 44:10, 15; 54:17; 55:6 Trial - 1:18 trial - 3:19 tried - 9:19; 55:22; 56:7; 57:2; 58:14 true - 98:11 truly - 25:16 truth - 49:8; 51:13, 24 try - 56:12; 79:3, 9; 96:19 trying - 8:15; 22:14; 25:17, 35:4, 56:11, 21, 87:22 turn - 59:5 two - 20:18; 27:5, 17; 47:12; 51:7, 57:10, 60:11; 61:16, 21; 66:7, 78:20; 79:2 type - 8:9, 21; 30:21, 31:2;		

<p>35:7; 46:21; 60:24; 61:10; 64:21; 65:16, 69:5, 95:7; 96:14 typed - 34:20 types - 62:24</p>	<p>WHEREOF - 98:16 white - 8:2; 10:2, 12; 24:15 White - 1:24 whole - 68:20 wife - 55:25, 56:3, 94:22; 95:6; 96:5 Williams - 14:8, 10, 18; 90:4; 6, 11, 91:6, 9, 12, 20; 92:15; 22; 93:7 willing - 68:7; 69:20 window - 64:4 wish - 29:24; 63:7 WITNESS - 5:14; 8:11, 23; 12:12; 14:22, 25; 18:8, 18; 19:2; 24:23; 25:15; 30:5; 31:24; 32:8, 14; 35:12; 36:10; 38:5; 41:16; 44:2, 16, 45:15; 48:13, 15; 52:10, 57:17; 74:14, 18; 75:3, 18; 78:17; 80:7, 11; 83:2, 24; 84:7; 85:16; 86:13, 24; 87:13; 88:8; 12, 23; 89:15; 90:5; 98:16 witness - 98:10 witnessed - 15:23; 16:17; 39:8-10, 12, 17; 41:3; 42:6 witnesses - 49:3 wondering - 63:21 word - 42:14; 67:17 wording - 17:21; 33:25; 34:9 words - 12:15, 30:25, 34:5; 59:25; 60:2; 80:10 Workers' - 47:19; 71:24; 72:4; 74:3 works - 7:10; 10:19; 58:2, 9; 78:24; 93:10 world - 64:20; 69:24 worry - 65:19 worrying - 60:10, 12, 20; 62:18 worse - 67:7, 9 wrap - 77:15; 79:3 write - 27:17, 22 written - 85:4; 91:12 WUTTKE - 1:11 Wuttke - 22:25; 64:10</p>
<p>unable - 60:17 under - 32:5, 8; 45:5, 19; 48:7; 95:8 understood - 5:12, 23 unfair - 13:2; 24:8 unfortunate - 69:19 unfortunately - 36:20; 56:3, 5; 63:5, 69:16; 70:21; 93:16 union - 30:17; 31:6, 10, 21; 32:18; 37:2, 18 unit - 9:13; 11:7; 12:18; 13:15; 67:17; 68:2; 81:19; 84:21; 90:8; 91:8 UNITED - 1:2 unlawful - 34:12, 16 unlawfully - 33:9, 12 unless - 94:9 unrelated - 18:17; 19:16; 22:6; 26:25; 28:10, 14, 19; 29:11, 25 unsuccessful - 56:9; 78:8 up - 7:20; 8:3, 17, 11:18, 22-24; 12:10; 13:5; 14:7, 20; 15:19; 16:12, 16; 25:16; 35:16; 39:4, 25; 40:4, 13, 18; 41:3, 5; 45:7, 9; 46:3; 49:6; 58:7; 59:23; 61:17; 62:23, 25; 69:8, 20-21; 75:20; 76:13, 17, 19; 77:15; 78:22; 79:4; 84:20; 85:4; 90:15; 91:16; 92:8; 94:4; 95:8 upset - 23:8; 43:19 USB - 27:8; 50:8</p>	<p>witness - 98:10 witnessed - 15:23; 16:17; 39:8-10, 12, 17; 41:3; 42:6 witnesses - 49:3 wondering - 63:21 word - 42:14; 67:17 wording - 17:21; 33:25; 34:9 words - 12:15, 30:25, 34:5; 59:25; 60:2; 80:10 Workers' - 47:19; 71:24; 72:4; 74:3 works - 7:10; 10:19; 58:2, 9; 78:24; 93:10 world - 64:20; 69:24 worry - 65:19 worrying - 60:10, 12, 20; 62:18 worse - 67:7, 9 wrap - 77:15; 79:3 write - 27:17, 22 written - 85:4; 91:12 WUTTKE - 1:11 Wuttke - 22:25; 64:10</p>
<p>V various - 23:15 Vassar - 61:4, 7; 62:12; 76:12 vehicle - 82:25; 83:9, 84:5; 85:13 vehicles - 81:11, 22; 83:20 verbally - 91:24 VERNON - 1:7 Vernon - 1:15; 4:4; 7:10; 8:16; 10:17; 12:11; 27:3; 28:22; 30:9; 31:15; 54:21; 57:16; 66:14; 67:19; 70:6, 12, 19; 74:17; 87:24; 88:19; 90:14; 93:6, 10 violated - 34:17 visits - 19:15; 23:15 voicemail - 51:17</p>	<p>Y year - 10:4; 45:25; 65:6, 9, 12; 24; 76:6, 9; 87:14 years - 49:5; 67:15; 84:15 YORK - 1:2, 7, 98:4 York - 1:15, 20, 24; 2:8, 13; 4:4; 98:8 young - 61:10; 94:17, 24 Young - 13:9; 16:25; 17:8 yourself - 45:17</p>
<p>W waited - 93:21 waiting - 93:25 waived - 3:10 walking - 35:3 wants - 67:21, 25; 69:12, 22 warrant - 84:6; 85:14 warrants - 81:11; 83:19 ways - 34:9 weak - 56:6, 57:6, 12 week - 5:5, 12:4; 14:5; 20:18; 60:16; 66:7; 79:9; 81:5 weekend - 42:25 weeks - 48:23; 51:8, 54:6; 60:11; 78:20 WESTCHESTER - 98:5 Westchester - 1:23</p>	<p>Z Zadie - 43:5, 7</p>